URBAN WATERFRONT POLICY ANALYSIS

Prepared for the Washington State Department of Ecology

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Olympia, Washington

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Introduction

Background and Purpose

Since its history began, Washington's shorelines have been magnetic centers for human activity, commerce, and habitation. Native peoples of the coastal region built their settlements along the water which provided bountiful food and resources and a setting for their community life. Early white settlers sought out natural harbors as sites for their fledgling communities. Waterfront logging and fishing industries served as focal points for development and water traffic became a primary means of regional transportation.

As the cities and towns grew into urban centers their waterfronts diversified with shipbuilding, international trade, wood products manufacturing and many other industries and businesses. Today, the state's urban shorelines host a full spectrum of maritime, industrial, commercial, recreational, and civic activities. Furthermore, central waterfronts are recognized not only as our city's historical and commercial areas, but as critical opportunities for downtown revitalization. The state's economic strength and civic vitality depends, in great measure, on the ability to support this rich variety of activities and functions. Because opportunities for new shoreline development outside the state's existing urbanized waterfronts are quite limited, care must be taken so that activities that depend upon the water and which make special use of the shoreline as a resource can be accommodated. Rapidly changing trends in maritime industries, competition from nonwater-dependent uses and a new emphasis on the shoreline as an amenity factor further complicate efforts to optimize the utilization of urban shorelines.

The State of Washington's Shoreline Management Act of 1971 (SMA) is the primary means of dealing with these issues on a state-wide basis. The Shoreline Management Act was conceived as a response to general environmental awareness fo our finite resource base. In particular, the shoreline edge was

recognized as a limited and precious resource that provided beauty, habitat and commercial opportunity. A major premise of the Act is protecting this edge from encroachment, especially in the form of landfill, but also from overwater or upland development that would degrade the natural character. The Act also places a high value on reserving the shoreline for uses that enhance public access to the shoreline or are dependent on a shoreline location.

Urban waterfronts, both salt water and fresh water, feature a broad range of land use activities, development opportunities and physical settings. Because of their complexity, urban shorelines require special attention if they are to be effectively enhanced and utilized.

The guidelines of the Washington Administrative Code (WAC) for implementing the SMA detail the objectives for the management of urban shoreline. A goal is to ensure optimum utilization of shorelines within urbanized areas by providing for intensive public use and by managing development so that it enhances and maintains shorelines for a multiplicity of urban uses.

The SMA has been implemented by local city and county planning offices through the development of shoreline master programs (also referred to as master programs), which regulate certain land use, public access and design characteristics of shoreline areas within their jurisdictions. Proposed development actions are reviewed for conformance with the master program by the local government. The Shoreline Management Act places the Department of Ecology in a supportive and review capacity, which it fulfills in the review of master programs and shoreline development permits for conformance with state policy and regulations.

During the past decade and a half, numerous issues have arisen regarding the development of master programs for urban

shorelines. The general purpose of this study is to review and evaluate the Department of Ecology policy regarding urban waterfront issues and to provide recommendations to assist in master program development and project review efforts. In more specific terms, this report objectives are to:

1. Review conditions on urban waterfronts in the state.
2. Evaluate the effectiveness of policies and procedures for implementing the Shoreline Management Act.
3. Make recommendations for shoreline management policy refinements or interpretations to further the SMA's objectives.
4. Make recommendations for master program development actions that would assist local jurisdictions in implementing shoreline management procedures and in achieving their local urban development goals.

Container Terminal - Large scale maritime trade is crucial to our state's economy and cargo shipping is increasingly competitive. Therefore, it is necessary to ensure that land is available for the efficient development of cargo terminal facilities.

Methodology

The planning methodology for this study was intended to incorporate the experience and expertise of shoreline management planners from coastal areas in the state. This was accomplished first by a series of questionnaires and interviews with planners responsible for local master program implementation, Port District planners, representatives of the Department of Natural Resources (DNR) and others familiar with shoreline management issues. The questionnaires asked for information regarding conditions and planning issues on

the local jurisdictions urban waterfronts and the composition and status of current master programs. After the questionnaires were compiled, researchers held interviews with selected planners to discuss specific issues in greater detail.

The second principal step involving input from local shoreline planners was a day and a half workshop held specifically to discuss urban shoreline management issues. Approximately 20 planners attended along with the Department of Ecology staff and consultants. Prior to the workshop, a working paper was mailed to the participants presenting the questionnaire survey results, analysis of issues, topics to be covered, and alternative policy recommendations to be considered. The workshop discussions were broken into the following topic areas.

1. Definitions for water-dependency and water-relatedness
2. Procedures for inventorying urban shorelines and developing comprehensive waterfront plans
3. Master program use requirements
4. Master program public access standards
5. Master program design standards
6. Master program mixed-use provisions

The workshop study groups' results and recommendations have been incorporated into the report. Sometimes the workshop results were in a form that they could be used directly in the report's recommendations. In other cases, more analysis was necessary to refine the policy statements or technical suggestions. Meetings were held with Department of Ecology staff before and after the workshop in order to discuss workshop procedures, policy alternatives and the results of the workshop.

Organization of Report

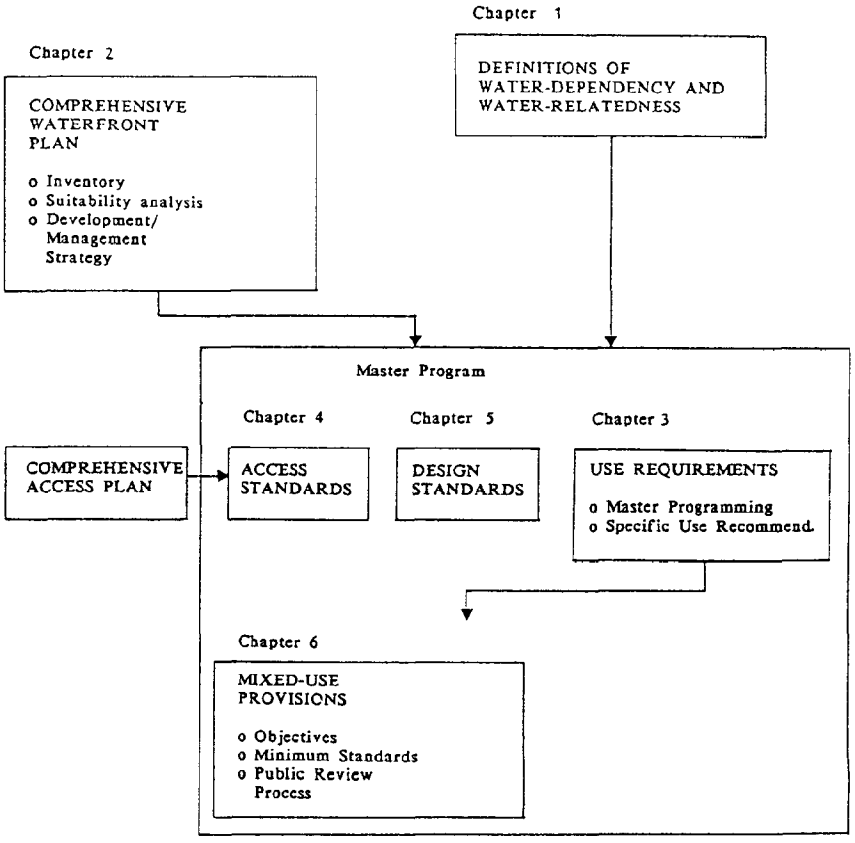
The study's principal findings and recommendations are summarized in the Executive Summary following this introduction. Recommendations for specific actions are tabulated in a "Recommended Actions Chart" at the end of the Executive Summary which relates the proposed actions by local governments or state agency to individual shoreline management issues.

The body of the report is organized to correspond to the principal elements of a shoreline master program. After

considering several different organizational formats for structuring the interconnected and complex set of planning issues, a format which divides issues into the elements found in most master programs proved to be the most successful. In addition to the use requirements, public access standards, design standards, and mixed-use standards which form the core of most master program regulations, two other elements were implicit to the master program development for urban waterfronts. The first is consistent and operational definitions of water-dependency and water-relatedness which are important because nearly all permit evaluations in an urban area hinge on whether a use is water-dependent, nonwater-dependent or water-related. The second element is a comprehensive master plan of the urban shoreline area which should precede the master program formulation. This step should include inventory of shoreline resources, suitability analysis of various shoreline segments for different water-dependent and water-related uses and the development of comprehensive plans for waterfront development incorporating city development objectives, shoreline conservation goals, economic market analysis for waterfront property and a strategy for achieving the plan's objectives.

This report is therefore organized into 6 sections corresponding to the six master programming elements diagrammed below:

Master Program Components



Executive Summary

General Recommendations

1. This study's findings which draw from a review of existing conditions, interviews with local planning officials, and results of the Urban Shoreline Study Workshop, confirmed that the current Department of Ecology directions regarding the management of urban shorelines are consistent with SMA objectives and generally do not conflict with waterfront redevelopment efforts by local governments.

   Therefore, the recommendation in this report calls for no sweeping or structural changes in urban shoreline management policy directions. Rather, they are directed toward refining existing policies and procedures.

With regard to specific policy directions:

a. Giving priority to water-dependent and water-related uses and reserving significant portions of urban shorelines for these activities remains an important goal both state wide and at the local level. Nonwater-dependent activities which utilize the water as an amenity will, if unregulated, continue to replace water-dependent uses which are susceptible to fluctuations in economic conditions.

   Some cities wish to assist downtown revitalization efforts by encouraging retail/restaurant and business commercial redevelopment on their central waterfronts. In these situations, master program policies can allow for increased nonwater-dependent development in certain areas provided that those master program decisions are based on rational comprehensive waterfront planning which addresses the issues of water-dependency, shoreline suitability, and the SMA goals and public redevelopment objectives.

Fishing Boats - Affordable moorage and efficient shore support services are necessary to keep Washington's fishing fleet economically viable. Care must be taken to insure that shoreline development pressures do not force such uses from the waterfront.

b. The protection of the urban shoreline from unnecessary encroachment is also an important objective at the state and local level. Results of the workshop indicated that there is general consensus among local government planning offices that new construction built over water or on proposed land fill should be limited to water-dependent uses except in special situations. Mixed-use developments which include significant water-dependent elements and provide public benefit can be justified in over-water locations.

c. The protection of views in general and especially from public spaces and residential areas is a widely held value and an important objective in the majority of local master programs and city waterfront revitalization efforts. Generally speaking, master program provisions for height and bulk maintain the relatively small scale of waterfront development except in major industrial areas.

d. Results of the workshop reaffirmed the current Shoreline Hearings Board definitions for water-dependency and water-relatedness as a basis for policies and project review decisions related to these issues.

e. Public shoreline access is an especially important goal in urban waterfronts as indicated by the emphasis given by local governments in developing waterfront access plans and constructing waterfront parks, esplanades, and

bikeways. State policies and actions have played a role in supporting these efforts. Although the provision of public access is crucial to the revitalization of downtown waterfronts, the consensus of workshop participants was that providing public access should not be a blanket substitute for water-dependency requirements. That is, providing public access in a nonwater-dependent use does not generally give that use a water-dependent status.

2. Urban shorelines, because of their diversity of environmental conditions, use activities, and planning issues, require shoreline master program development tools that are both specific and flexible. Specificity is necessary to facilitate a review by the local jurisdiction and the state that is efficient and predictable. Flexibility is necessary to accommodate the variety of planning conditions and development opportunities found on urban waterfronts.

   Seen within the broader scope of state wide shoreline management activities, flexibility and specificity can be provided at three levels.

   a. At the State Level - Flexibility can be provided by chartering local jurisdictions with responsibility to develop master programs responsive to their local conditions and community objectives. Conformance to SMA policy is provided by the state's review and acceptance of master programs. Present policies will continue.

   b. At the Local Level - Master programs allow a variety of uses and standards based on local conditions and objectives. Specificity can be maintained by the master programs which clearly specify uses and standards. The general tenor of the workshop indicated that the Department of Ecology staff are open to a greater range of use, including nonwater-dependent uses so long as the master programs are specific in the uses they allow and there is a logical justification for this flexibility based upon the inventory, suitability analysis and harbor planning steps.

   c. At the Project Level - Increased latitude for mixed-use projects can be provided giving special consideration to projects which demonstrably serve the public benefit. This mode of "flexibility" should be used only when the complexity of the project and the uniqueness of the circumstance make it impossible to write specific master program regulations to cover the situation. In this case, specificity is provided through master program mixed-use provision which outline the public objectives to be achieved by a mixed-use project and a defined process for review, public input, proposal modification, and decision.

Specific Master Program Recommendations

A principal finding of this study is that increasing the predictability of the project review process and providing the flexibility to respond to unique development opportunities can most effectively be accomplished is through changes or additions to local master programs. Many of the recommendations in this report relate specifically to the formulation of master program provisions.

3. An inventory of urban shoreline resources, a suitability analysis, and a comprehensive waterfront management/ development plan are important elements in preparing for shoreline master program modifications because they provide a rationale for shoreline policies and program regulations. The most difficult step in this task is combining planning objectives, market demand information and trend analysis into a realistic development/ management strategy because it is very difficult to obtain valid economic data and a realistic projection of trends, especially at the local level. This step needs more attention and a creative approach to the problem. State agency representatives, especially from the Department of Ecology and the Department of Natural Resources (where involved as land owner), should be involved in formulating the comprehensive waterfront plan where appropriate.

4. Master program use requirements should be specific according to the type of use permitted, area (zone or environmental classification district) and position on shoreline (over-water, at shoreline edge, or on an upland lot separated from shoreline). The division of a city's urban shoreline into discrete districts, zones or subclassifications has proven a useful tool in allowing for a diversity of use while protecting areas for water-dependent and water related uses. The finer the gradation in designation classifications; the more specific master program requirements can be. The concept of longitudinal sub-areas which distinguishes between uses allowed over-water, on shoreline lots and on upland lots within the 200' limit is also a useful master programming tool. Conditional use provisions can be used to permit certain uses which are subject to conditions specified in the master program and subject to review. However, conditional use provisions that make project review more difficult and less predictable should be avoided.

5. A comprehensive access plan is a necessary element serving as a concept framework for master program access requirements. Public access should not be a substitute for water-dependent/related use requirements except in

special situations. Creative means of providing access should be explored such as combining requirements into a common access point or providing a cash amount for access development in lieu of on site access.

Port Angeles Civic Pier - Projects which combine a variety of water-dependent, recreational, and other uses can add vitality to a town's central waterfront.

6. Design standards that relate to height, bulk, setback and view corridors should be explicit in the master program. Other design standards do not need to be. Any flexibility in height and bulk requirements should be stated with specific provisions (e.g. height can be increased to x feet in zone A if approved by the council providing no views from residences or public view points are blocked and 6' of setback along the waterfront is provided for every 10' of height over 35').

7. Mixed-use projects are a positive way to achieve public benefits in terms of water-dependent uses, public access and economic revitalization. However, it is very difficult to write specific standards because of their complexity and response to unique conditions. They also generally involve issues where the public benefit must be weighed against the extra development provision allowed to the developer. This discussion must be done in a public forum and the decision made by public officials rather than at a technical level. Master programs for urban areas should include provisions for mixed-use projects including an objective statement, minimum standards and a well defined process for evaluating mixed-use proposals.

Summary of Action Recommendations

	Urban Waterfront Planning Issue	Dept. of Ecology Action	Local Jurisdiction Action
1.	Need for consistent operational definition for water-dependency as basis for master program use requirements	Retain definition requirement that use must be functionally dependent. Interpret SHB definition to apply to those portions of activities functionally requiring direct water access.	
2.	Need for consistent, operational definition for water-relatedness	Retain SHB definition of water-relatedness. Adopt the recommended test for water-relatedness based on functional relationship.	Include clear, definitive test for water-relatedness in master plan based on SHB definition.
3.	Need for a means of identifying uses that promote public enjoyment of waterfront so that those uses can be allowed in certain situations as specified in master program	Consider a state-wide guideline criteria for water-enjoyment uses allowing variation from one jurisdiction to another.	Include performance criteria in master program that will allow evaluation of an activity's status as a "water-enjoyment" use on a case-by-case basis.
4.	Some master plans have been developed assuming a more inclusive definition of water dependency.		Amend master programs to reflect consistent definitions.
5.	As cities and ports wish to redirect waterfront development and amend master programs there needs to be a consistent rationale for these changes.	Support and encourage comprehensive urban waterfront planning. Provide technical assistance to jurisdictions as appropriate.	Undertake comprehensive waterfront development plans as basis for master program amendments.
6.	There is increased pressure for retail, hotel, and office development on waterfronts. Review of these proposal requires consistent policy.	Recommended Policy - Under normal conditions: Do not permit new office, hotels or retail over-water. Permit retail, hotel and offices in CBD shoreline lots where rationale is provided in comp. plan and specific access and design requirements are applied. Increased flexibility can be allowed in master program use requirements for upland lots.	Master programs should reflect statewide policies for these uses. Master program provisions allowing nonwater-dependent uses on shoreline lots must be based on comprehensive waterfront planning rationale.
7.	Some cities desire more flexibility to allow greater range of uses and accommodate various development conditions.	Allow greater range of uses where rationale can be based on sound comprehensive planning.	Master programs may provide greater flexibility by finer gradations in sub-areas and specificity in over-water/shoreline lot/upland lot requirements.
8.	Cities wish to preserve older over-water structures.	Allow master programs to permit wider range of uses in existing over-water structures.	Provide policy recommendations specifically for over-water structures.
9.	Project proposals involving conditional and accessory uses cause difficulties in review.		Adopt the recommended definitions for conditional and accessory uses. Specify conditions to be met for conditional uses in master programs.
10.	Individual provisions for shoreline access are most effective when part of a coordinated system.	Continue to encourage comprehensive shoreline access plans	Develop comprehensive shoreline access plans as a basis for master program access requirements.
11.	State review of projects with access requirements is difficult unless access requirements are in master program and/or access plan is referenced.		Project review submittals to WDOE should state if proposal is consistent with access plan. Master program should contain clear access requirements based on comprehensive access plan.

Summary of Action Recommendations (page two)

	Urban Waterfront Planning Issue	Dept. of Ecology Action	Local Jurisdiction Action
12.	The twin goals of giving priority to water-dependent uses and providing public access are sometimes interchanged without a consistent rationale.	Reinforce policy that provision of public access does not give water-dependency status to nonwater-dependent uses. The two concepts are separate and not necessarily transferable.	Master program requirements should be specific as to where public access is required as a condition for allowing a use within a certain zone or sub-area.
13.	Providing public access is often difficult, especially in industrial and residential areas.		Explore a variety of innovative ways to provide public access.
14.	Protection of views, setbacks, and architectural scale is an increasingly important issue.		Master programs should include design standards for building height, bulk, and setbacks. Where necessary, these should be specific to the zone sub-area classification, district, or site.
15.	Some design standard flexibility is necessary to account for special conditions.		Flexibility can be achieved by allowing exceptions to design standards provided that the proposal meet performance criteria, demonstrate public benefit, and conform to additional conditions set during review.
16.	Mixed-use projects offer exciting possibilities for waterfront development but review is difficult because each case involves unique conditions and development configurations.	Encourage mixed-use provisions in master programs prior to specific project review. Become involved in project review at the concept stage.	Develop mixed-use provisions in master programs that define 1) public goal for mixed-use projects, 2) minimum standards, 3) a public process for project review and decision making.
17.	Mixed-use projects involve weighing public benefit against private project and the resolution of design issues.	WDOE and DNR should be involved in concept phase of review, at least on an informational level.	Mixed-use provisions should have a review process that allows discussion in public forum and a procedure for resolving design issues.
18.	Ensuring the maintenance of the water-dependent portion of mixed-use projects is often difficult once the project is built.	Require development of a portion of the water-dependent use prior to development of other uses.	

1 Definitions of Water-dependency and Water-relatedness

Background

Clear, consistent definitions for water-dependent uses and water-related uses are critical for shoreline management because many permitting decisions regarding allowable uses, shoreline modifications (e.g. landfill), and mixed-use projects depend upon whether or not a proposed use activity is water-dependent or water-related. The Shorelines Hearing Board (SHB) has defined water-dependent and water-related activities with the statement below:

> *A water-dependent commerce or industry, to which priority should be given, is one which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations. A water-related industry or commerce is one which is not intrinsically dependent on a waterfront location but whose operation cannot occur economically without a shoreline location. Yount and Department of Ecology and Attorney General v. Snohomish County and Hayes, SHB No. 108. Adams v. City of Seattle; Department of Ecology and Attorney General, SHB No. 156.*

However, a survey of local jurisdictions indicated that there is a wide diversity of opinion regarding which uses are water-dependent or water-related. Inconsistent and unclear interpretation of these terms results in difficulties in project review at the state and local level. There are several factors complicating any attempt to clearly categorize uses as water-dependent, water-related or nonwater-dependent and to develop policies relating to the siting of these uses within the shoreline area.

- Some portions of an activity may depend upon the water while others do not (e.g. for a cargo loading the crane area may be actually water-dependent but the storage area and the clerical offices may not be). Thus, there is a need to apply definitions to portions of activities.

- o General land use classifications (e.g. warehousing, commercial offices, energy generation plants, etc.) are not useful examples in defining water-dependency because they are too broad. Water-dependent and nonwater-dependent examples can be found within these traditional land use classifications.

- o Different water-dependent uses require different locations relative to the shoreline. Some activities must be over-water or in the water (e.g. aquaculture piers). Others must be adjacent to the shoreline (e.g. cargo loading), still others must be proximate to the shoreline (e.g. cargo handling areas). Any policies or regulations must acknowledge these different dependency relationships because functional decisions regarding shoreline extension, pier construction or waterfront location should be made on the functional characteristics of an activity's use of the water.

Recommendations for Definition Interpretation

DEFINITION OF WATER DEPENDENCY

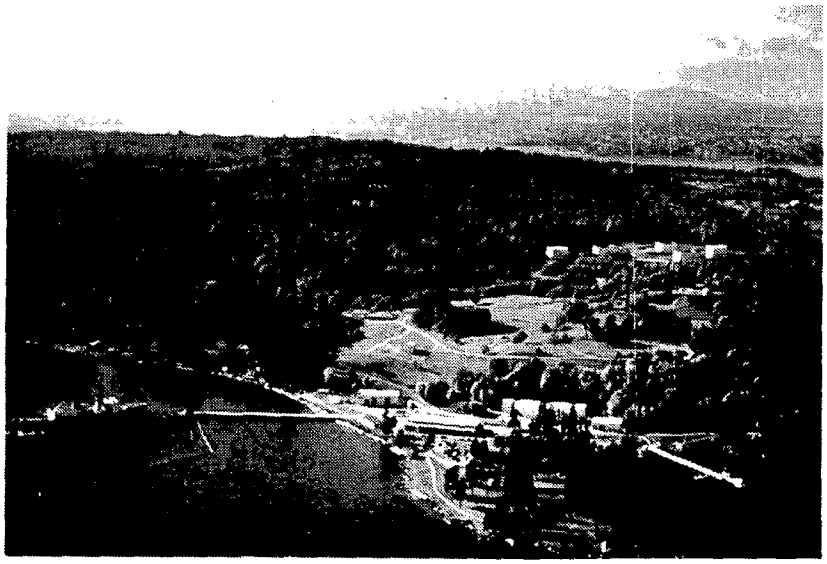
Several alternate interpretations of the definition of water dependency were considered at the Urban Shoreline Study Workshop, including definitions basing dependency upon economic advantages of waterfront location to definitions incorporating specific uses. A strict interpretation of the SHB definition was found to be the most appropriate and useful for master program administration, namely that water-dependent uses are those that require direct contact with the water.

Furthermore, water-dependency designations should only be given to those portions of a land use operation that are demonstrably dependent upon the water or the shoreline edge. For example, a pulp mill dock for loading logs or finished product transported by water is water-dependent, but the mill is not. A dry dock of a ship building yard is water-dependent but warehousing of ships' parts are not. Thus, water dependent uses are quite limited. The following classifications should be considered water-dependent under usual conditions;

- o Cargo terminal loading area
- o Ferry and passenger terminals
- o Barge loading
- o Ship building, repair, servicing, and dry docking of ships
- o Aquaculture
- o Float plane sheds

- o Tugboat services
- o Log booming
- o Towboat operations
- o Marinas
- o Sewer outfalls

This interpretation best represents the intent of the SMA as well as decisions by the Shorelines Hearings Board and would be most useful in writing and administering master programs. It is also consistent with the definition of water-dependency adopted by the Department of Natural Resources (RCW 79.90.465). Its specificity will be most useful in setting requirements that pertain to the protection of the shoreline by relating restrictions to shoreline construction and filling directly to strict water-dependency with clear exceptions within the master program.



Manchester Fuel Department of the Naval Supply Center, Bremerton - This example shows that fuel piers, POL lines, and pump stations are water-dependent but that the fuel storage tanks can be located well away from the water's edge.

DEFINITION OF WATER-RELATEDNESS

The definition for water-relatedness used by the SHB was also found to be appropriate. However, the range of activities within the water-related classification is much broader than that of water-dependent uses, and the means of evaluating water-relatedness much less defined. Thus, a test for water-relatedness is needed. This report recommends the following test for water-relatedness.

Definition for Water-Relatedness

A use is water-related if its economic viability is dependent upon a waterfront location because:

a. Of a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water, or

b. The use provides a necessary service supportive of the other waterfront commercial activities and that the proximity of the use to its customers makes its services less expensive and/or more convenient. Examples include manufacture of ships parts large enough so that transportation becomes a significant factor in the product's cost, offices accessory to water-dependent activities, utility lines serving water-dependent activities, etc.

Uses which obtain an economic advantage from the shoreline due to its amenity factor (e.g. restaurants, hotels) should not be considered water-related.
Uses generally considered water-related include:

- Fabrication of ships' parts and equipment providing that proximity of the activity to its customers on the waterfront can be demonstrated to be an advantage because of transportation costs or other functional factors.

- Warehousing of goods transported by water providing the economic distribution of those goods is dependent upon storage or handling at the point of unloading.

- Assembly of water transported parts providing that the economic advantage of assembling at point of entry can be demonstrated.

- Support services for fish hatcheries functionally proximate to the water element operation.

- Seafood processing plants if fish or products are brought to the site by water.

- Paper and wood products mills if materials or products are water transported.

- Oil refineries if petroleum materials or products are shipped by tanker.

- Salvage yards if materials are taken from water or if salvage includes ship or marine equipment.

- o Energy generation plants if materials are transported by water or if large quantities of water are needed for cooling or generation.

- o Construction materials plants (concrete, etc.) if materials or products are transported by water.

- o Construction of modular buildings specifically intended to be transported by barge.

- o Storage of logs transported by water.

- o Utility lines serving waterfront uses.

- o Intermodal transport when water transport is part of the service.

Sewage treatment plants and rail service yards are not considered water-related.

Pulp Mill and Log Storage Yard - Both uses are water-related when the raw logs or finished products arrive by water. The log booming, rafting and loading operations are water-dependent.

It is clear that many decisions regarding water-related status must be made on a case-by-case basis and that the bulk of commercial activities located along the waterfront may be water-related rather than water-dependent. Since the water-related classification is so broad and includes major industrial activities, prioritizing land for water-related activities becomes an important aspect of urban shoreline master program planning. The water-related classification will be useful for developing requirements aimed at further-

ing water oriented commerce. However, the application of this classification will require careful review.

USES WHICH ALLOW THE OPPORTUNITY FOR A SIGNIFICANT NUMBER OF PEOPLE TO ENJOY THE SHORELINE

Chapter 173-16 WAC, Shoreline Management Act Guidelines for Development of Master Programs, section 060-4(a) states that "priority should be given to those commercial developments which are particularly dependent upon a waterfront location and/or use of the shorelines of the state and other development that will provide an opportunity for substantial number of people to enjoy the shorelines of the state". The concept "uses that provide an opportunity for substantial number of people to enjoy the shoreline" (hereafter called "water-enjoyment uses" in this report) is one which requires definition if it is to be useful in master programming.

Whether or not a proposal fits in the water-enjoyment category is often decided on a case-by-case basis depending upon the way the use incorporates views, water access and the water amenity into its design and operation. Thus, master program requirements for allowing "water-enjoyment" uses should specify the conditions by which a use is considered water-enjoyment such as:

1. The use is open to the general public and
2. The use provides water access as called for in the jurisdiction's water access plan and the use has at least one of the three characteristics below:
3. The use offers a view of waterfront activities or
4. The design makes use of a unique characteristic of the site or
5. The use supports other proximate water-dependent, water-related or water-enjoyment activities.

The criteria by which a use is judged a water-enjoyment use should be specified within the local master program and can vary from jurisdiction to jurisdiction to respond to local conditions.

The discussion group felt that it was important to clearly distinguish those uses which utilize the shoreline as an amenity rather than as a functional resource as do water-dependent and water-related uses. Thus, recreation oriented uses such as restaurants, parks, community clubs, museums, etc., can be considered water-enjoyment uses, but not as water-dependent or water-related uses unless they intrinsically depend upon the water (e.g. marinas).

This is an important distinction because there may be areas along a shoreline where priority for water-enjoyment uses is desirable but other areas which should be reserved for functionally water-dependent or water-related uses.

Recommendations for Policies and Actions

1. State and local jurisdictions should adopt the strict interpretation for water-dependency discussed above. No rewording is necessary and the proposed interpretation appears to be consistent with SHB decisions.

2. The state and local jurisdictions should continue to utilize the SHB definition for water-relatedness. A test such as the one proposed above should be developed to judge whether or not a use is water-related.

3. Master programs should make a clear distinction between water-dependent/related uses and water-enjoyment uses. Master programs should contain criteria by which an activity can be judged as a water-enjoyment use.

4. Master programs should be amended as necessary to be consistent with the above definition interpretations. This may require the review and modification of some use policies and regulations to achieve the desired flexibility as well as specificity.

   - o The strict definition of water-dependency will be applicable in defining what activities may be placed over-water, on new fill or as the anchor of a mixed-use project.

   - o The definition of water-related uses will be applicable in forming policies and regulations that encourage water-oriented commerce and business activity. Master programs that have in the past been based on less restrictive interpretations for water-dependency may wish to apply the stricter definition but allow water-related activities in more areas on land that is adjacent to shorelines and upland lots.

   - o The definition of "water enjoyment use" will be applicable where a shoreline may not be appropriate for water-dependent use but may be compatible with public uses or mixed-use developments.

2 Comprehensive Waterfront Planning

Background

Chapter 173-16 of the Washington Administrative Code: Shoreline Management Act Guidelines for Development of Master Programs calls master programs to be comprehensive and long-range. "Comprehensive" is defined to mean that the program is directed towards all land and water uses, their impact on the environment and logical estimates of future growth and that the program shall recognize the plans of the other governmental units, adjacent jurisdiction, and private developers. WAC-173-16-040(3) further states that master programs shall include the following land and water use elements in a logical and systematic manner to avoid policy regulations that are inconsistent and arbitrary.

(a) Economic development element for the location and design of industries, transportation facilities, port facilities, tourist facilities, commercial and other developments that are particularly dependent on shoreland locations.

(b) Public access element for assessing the need for providing public access to shoreline areas.

(c) Circulation element for assessing the location and extent of existing and proposed major thoroughfares, transportation routes, terminals and other public facilities and correlating those facilities with the shoreline use elements.

(d) Recreational element for the preservation and expansion of recreational opportunities through programs of acquisition, development and various means of less-than-fee acquisition.

(e) Shoreline use element for considering:

(i) The pattern of distribution and location requirements of land uses on shorelines and adjacent areas, including, but not limited to, housing , commerce, industry, transportation, public buildings and utilities, agriculture, education and natural resources.

(ii) The pattern of distribution and location requirements of water uses including, but not limited to, aquaculture, recreation and transportation.

(f) Conservation element for the preservation of the natural shoreline resources, considering such characteristics as scenic vistas, parkways, estuarine areas for fish and wildlife protection, beaches and other valuable natural or aesthetic features.

(g) Historical/cultural element for protection and restoration of buildings, sites and areas having historic cultural, educational or scientific values.

(h) In addition to the above-described elements, local governments are encouraged to include in their master programs, an element concerned with the restoration of areas to a natural useful condition which are blighted by abandoned and dilapidated structures. Local governments are also encouraged to include in their master program any other elements, which, because of present uses or future needs, are deemed appropriate and necessary to effectuate the Shoreline Management Act.

Thus, the WAC charges local master program planners with the task of analyzing the land use and planning conditions of their waterfront and to develop a comprehensive plan for the waterfront which will provide a conceptual rationale for master program requirements. This key step will be here referred to as a "comprehensive waterfront plan" and is the principal subject of this chapter.

Comprehensive planning and master program development on urban shorelines is particularly complex because of the number of issues that must be involved. Realistic land use potentials, integration with upland areas, provision of circulation, land use compatibilities and suitabilities, changing economic patterns, and environmental conditions must be taken into account. At the same time, developing an effective comprehensive plan is especially critical because:

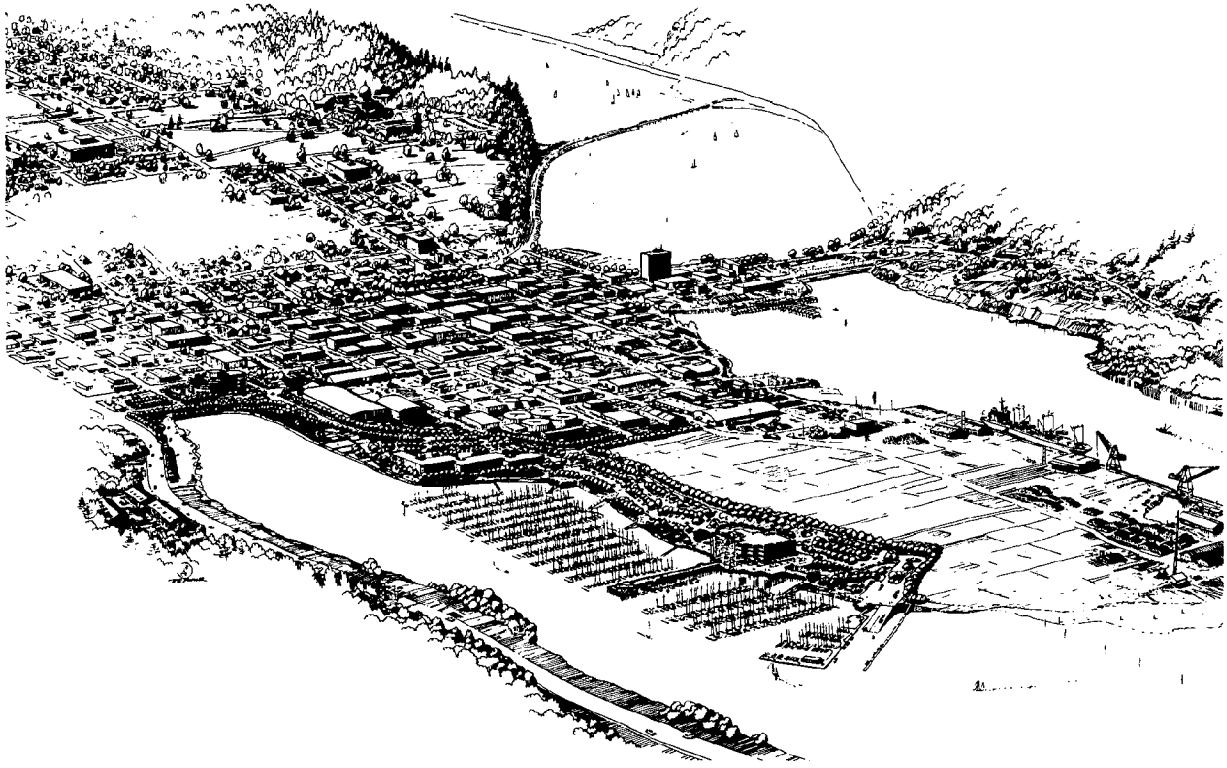
- Classifying or designating waterfront areas as to suitability for water-dependent uses and requiring water-dependent uses for principal activities in specified areas appears to be the most effective way of giving priority to those objectives as stated in the RCW. This

technique is predicated on a rational shoreline inventory and suitability analysis.

- An explicit means of identifying suitability of shoreline areas could provide rationale for exceptions and special consideration for nonwater-dependent construction in appropriate situations (e.g. provide rationale for exceptions to DNR water-dependency requirement under WAC 332-30-137 (1-e).

- The comprehensive planning step provides an opportunity for local jurisdictions to work with the corresponding port districts and other relevant agencies in furthering mutual objectives. Public participation on waterfront planning issues can also be achieved at this time.

- The comprehensive plan is the most advantageous time to consider issues such as economic development, environmental and natural resource constraints, access planning, and public infrastructure improvements and coordination with upland planning.



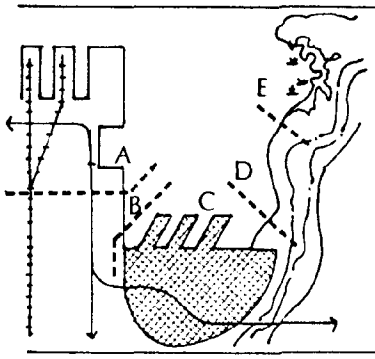
Aerial rendering from the East Bay Harbor Master Plan, prepared for Port of Olympia by CH2M-Hill, MAKERS, and Robert Perron. Comprehensive planning is necessary as a basis for efficient land utilization, capital improvement strategies and master program planning.

Procedural and Technical Recommendations

The diagram below describes the major steps in a shoreline inventory and comprehensive process. Although procedures and methodology may vary widely from city to city due to different conditions, it appears that the following principal elements are common to most efforts and should be incorporated into a successful plan.

Conceptual Process for Shoreline Inventory and Management Planning

1 Inventory



Zone	Characteristics: Water Depth	Wave Protection	Access	Existing Use	Topography	Etc.
A						
B						
C						
Etc.						

2 Locational Requirements

Type of Use	Characteristics: Water Depth	Wave Protection	Upland Area	Adjacent to CBD	Compatible with Residential
Cargo Term					
Rec. Moorage					
Shipbuilding					
Ferry/Tour					

3 Zone Suitability

Zone	Suitability: Cargo Term.	Ferry Term.	Rec. Marina	Trans. Moor.	Etc.
A					
B					
C					

4 Potentials and Objectives

Shoreline Management Goals
Community Planning Objectives
Market Analysis and Business Development Strategy

5 Waterfront Development/Management Strategy

Zone/ Classification	Development/ Management Strategy	PROJECTED ACTIONS AND EFFECTS
A	Restrict all but deep water Dep. Industrial	This will allow for 20% expansion in deep water industries. Property values will stabilize, infra-structure will require upgrade....
B	Encourage shallow draft W-D industry. Allow water-related uses only as support for "incubator businesses"	Area currently 30% vacant. Port will launch campaign to attract businesses. City will increase utilities. Market projections for this approach favorable.
C	Etc.	Etc.

1. INVENTORY

This step examines and documents characteristics of various sections of urban classified shorelines. The level of detail of information may vary depending on local conditions but in some cases it may be necessary to collect data on a site-by-site basis. The type of information to be recorded might include:

- o Water depth, wave protection, dredgeability.
- o Existing land uses and upland land uses.
- o Transportation access.
- o Environmentally sensitive areas/conditions.
- o Upland area, topography, parcel sizes
- o Other development constraints.
- o Land ownership - private/public/port/DNR.
- o City comprehensive land use objectives and plans.
- o Property values.
- o Historical and current development trends.
- o Visual condition, views, etc.

During the analysis of this information a set of sub-areas, sub-classifications or zones should be identified that have similar conditions and which can be used for planning and, ultimately, master programming.

Shoreline information can be usefully presented in a series of "overlay " maps showing each of the information categories (e.g.: water depth, existing land uses, etc.) and in matrix format, summarizing the information for each zone or classification. An example of the matrix format excerpted from the proposed Seattle Shoreline Master Program is shown below.

TABLE A2 CHARACTERISTICS OF SEATTLE'S SHORELINE AREAS

	Shilshole Area	Elliott Bay (except C.W. Front)	Central Waterfront	Ship Canal	Lake Union and Portage Bay	Duwamish Waterway north of 1st South	Duwamish Waterway south of 1st South
Pier depth (typical)	5'-30'	30'+	30'-40'	20'	20'-30'	20'+	<15'
Channel depth	N.A.	N.A.	N.A.	30'	30'	30'-50'	15-'10'
Amount of land/site	3.2 acres	32.9 acres	4.3 acres	5.6 acres	1.9 acres	19.0 acres	3.82 acres
Wave protection	Fair except behind breakwater	Poor	Poor	Excellent	Good	Excellent	Excellent
Access	Auto/truck	Truck/rail except west of SW Bronson	Auto/truck	Auto/truck/ rail except SW of Ballard Bridge	Auto/truck/ rail in west, south & southeast	Auto/truck/ rail	Auto/truck/ rail on east side
% of Dryland	24%	55%	3%	58%	45%	76%	87%
Residences in area	Yes	Not in Industrial/ Commercial Areas	No	No, some near	Yes	No	Few on west side
Nearness to tourist facilities	Fair	Fair	Excellent	Fair	Good	Poor	Poor

2. LOCATIONAL REQUIREMENTS FOR WATER-DEPENDENT AND WATER-RELATED USES

The second step necessary in comprehensive urban shoreline planning analysis is to determine the site and locational requirements that are required for the water-dependent and water-related uses being considered for the waterfront. The chart below is a summary of these requirements developed in the current Seattle Shorelines Master Program. More detailed requirements or a focus on specific uses may be appropriate for other cities. However, it appears that a brief document describing the general locational requirements for water-dependent and water-related uses would be a useful resource to several jurisdictions developing comprehensive waterfront plans. Factors affecting the compatibility between uses is an important aspect which should be considered.

TABLE A1 GENERALIZED LOCATIONAL REQUIREMENTS FOR WATER-DEPENDENT AND WATER-RELATED USES

	Cargo Terminals	Tug & Barge Terminals	Major Ship-building	Commercial Boatbuilding & Repair/ Services	Fish Processing	Water-Related Manufacturing	Recreational Boating & Services	Cruise Ships & Ferry Terminals
Pier depth	25'-55'	25'	50'	20'	20'-50'	20'-30'	10'	25-35'
Amount of land/site	8-100 acres	1 acre min.	6 acres	1.5 acres	.25-12 acres	2-10 acres	0.5 acres	0.25 - 1 acre
Wave protection	Not required	Required	Not required	Required	Some required	Not required	Required	Not required
Access	Truck/rail	Truck	Truck/rail	Truck	Truck	Truck/rail	Auto	Truck/auto/ bus
Land characteristics	Large amount of dryland	Both dry & submerged	Both dry & submerged	Both dry & submerged	Both dry & Submerged	Large amount of dryland	Large amount of submerged	Mostly submerged
Compatible with residences	No	No	No	No	No	No	Yes	Possibly
Benefits from nearness to tourist/ commercial facilities	No	No	No	No	No	No	Yes	Yes

A summary of site requirements for water-dependent uses developed for Seattle's proposed master program.

3. SUITABILITY ANALYSIS

From the inventory information and the locational requirements, the suitability of each shoreline zone or classification can be established. A summary of this analysis from the Seattle Shoreline Master Program is presented in the matrix below. These results define the range of options for each segment of shoreline to be evaluated and considered in the following steps. More specific information and conditions should also be

documented, where appropriate, in the suitability analysis. (For example, it might be important that a shoreline area would be suitable for water-related industry if an access road is built or that another shoreline segment is suitable for multi-use projects because it is a transition between the downtown commercial district and the industrial belt.)

TABLE A3 SUITABILITY OF SEATTLE'S SHORELINE AREAS FOR WATER-DEPENDENT USES

	Shilshole Bay	Elliott Bay	Harborfront	Ship Canal	Lake Union/ Portage Bay	Duwamish Waterway north of 1st South Bridge	Duwamish Waterway South of 1st South Bridge
Cargo Terminals	U	S	U	U	U	S	U
Tug and Barge Terminals	U	S	S-	S	S-	S	S
Major Shipbuilding	U	S	U	U	U	S-	U
Commercial Boatbuilding	U	S-	S-	S+	S	S	S
Water-Related Manufacturing	U	S-	U	S	S	S	S
Seafood Processing	S-	S-	S-	S	S	S	S
Recreational Boating and Services	S	S-	S-	S	S+	S-	S-
Cruise Ships and Ferry Terminals	U	S-	S+	U	U	U	U

S+ = Highly suitable
S = Suitable
S- = Suitable with limitations
U = Unsuitable

A summary of suitability analysis findings showing which subareas are suitable for specific water-dependent uses.

4. SHORELINE OBJECTIVES AND POTENTIALS

This critical step in this process comes after the suitability analysis and involves the formulation of development/management objectives, preferred development patterns, urban planning "roles" and development strategy for each of the districts, zones or classifications identified in the inventory. This step must bring together:

a. Suitability and inventory analysis from the previous steps.

b. Environmental and community/urban planning goals (including urban design and access goals).

c. Development and economic objectives.

d. A state-wide perspective of the areas' importance as a resource and its unique opportunities.

e. A realistic appraisal of the current market demand for various uses in the area and reasonable projections for future demands or changes in waterfront utilization.

Market analysis and trend projection has been very difficult on urban waterfronts because of rapid fluctuations in economic conditions, technology and international trade implications. It is especially hard to make projections at the local level. On the other hand, a market demand assessment is necessary to realistically project what types of uses might locate in the area and how development patterns might evolve. One approach to this problem is to include, as part of a "harbor masterplan", a development strategy that targets specific uses and details a series of actions to encourage its development in the area. This "pro-active" approach to market projection appears more useful than traditional trend analysis.

Waterfront planning goal formulation should combine the efforts of the city or local master programming jurisdiction, the Port (if applicable) and the state agencies involved in shoreline issues (e.g. Dept. of Ecology, Dept. of Natural Resources, State Fisheries Dept., etc.). It is best to incorporate the environmental constraints, managerial issues and port objectives, DNR leasing policies and a state-wide perspective of waterfront development at this point. Coordination of these groups through the establishment of a "task force" or "advisory committee" has the advantage that issues of mutual importance can be worked out in an organized manner rather than on an ad-hoc and sometimes adversarial basis over time. This is also a good point to include input from interested citizens because the background information is available and the basic shoreline planning goals are being set.

5. WATERFRONT DEVELOPMENT/MANAGEMENT STRATEGY

This step translates planning goals, economic objectives and analysis and environmental constraints into a strategy of policies and actions for shoreline management and development.

The products from this step should include:

a. A "comprehensive urban waterfront plan" which identifies desired shoreline land use patterns, access circulation,

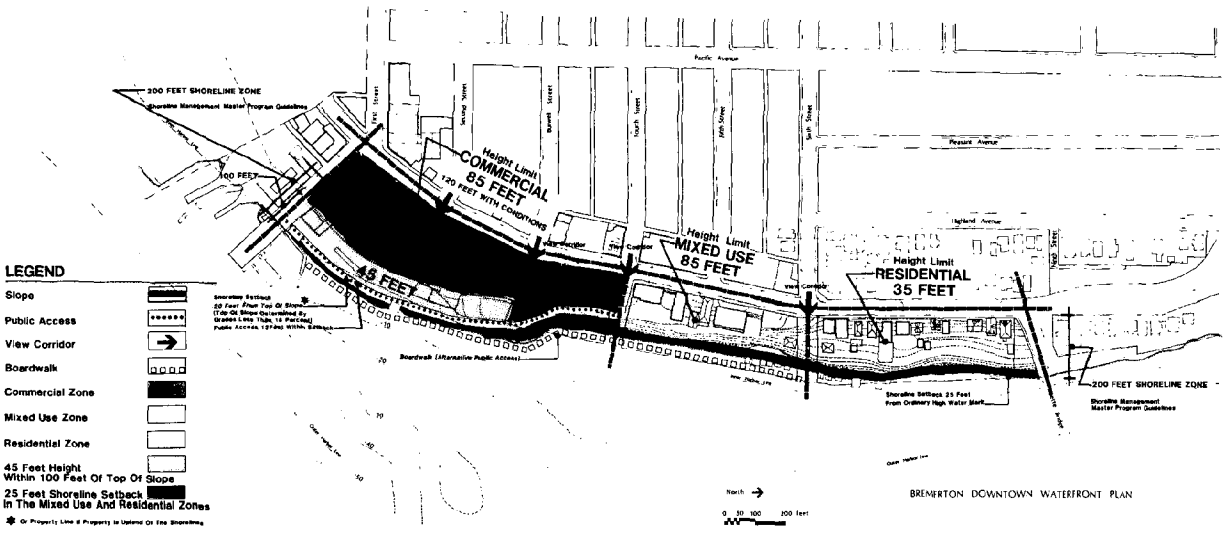
environmental constraints, infrastructure improvements and relationship to adjacent planning areas.

b. A shoreline management strategy which outlines management objectives and policies including base information for access and design standards and policies for protecting the shoreline and giving priority to water-dependent and water-related uses. This component should serve as a basis for revisions to the shoreline master programs.

c. A development strategy involving city, port and private efforts to encourage specific uses or developments that will meet the local jurisdictions economic development and shoreline management goals. Implementation actions for capital improvements and public-private efforts should also be identified.

d. An understanding between the city, port and state agencies regarding the procedures and roles required in implementing the development plan.

While the plan should describe the strategies involved managing the waterfront as a whole, it will also be useful to define strategies, policies, and public improvement actions for each shoreline zone or district. This specificity will be useful in formulating master program regulations and in developing master plans for specific site, port development projects, and public improvement plans.



Concept Summary Map from Bremerton Downtown Waterfront Development Plan. The plan includes a land use. component, access improvements, and design guidelines to be incorporated into the shoreline master program as well as public/private development strategy for civic revitalization.

Recommendations for Policies and Actions

1. Local jurisdictions should initiate comprehensive urban waterfront plans in order to:

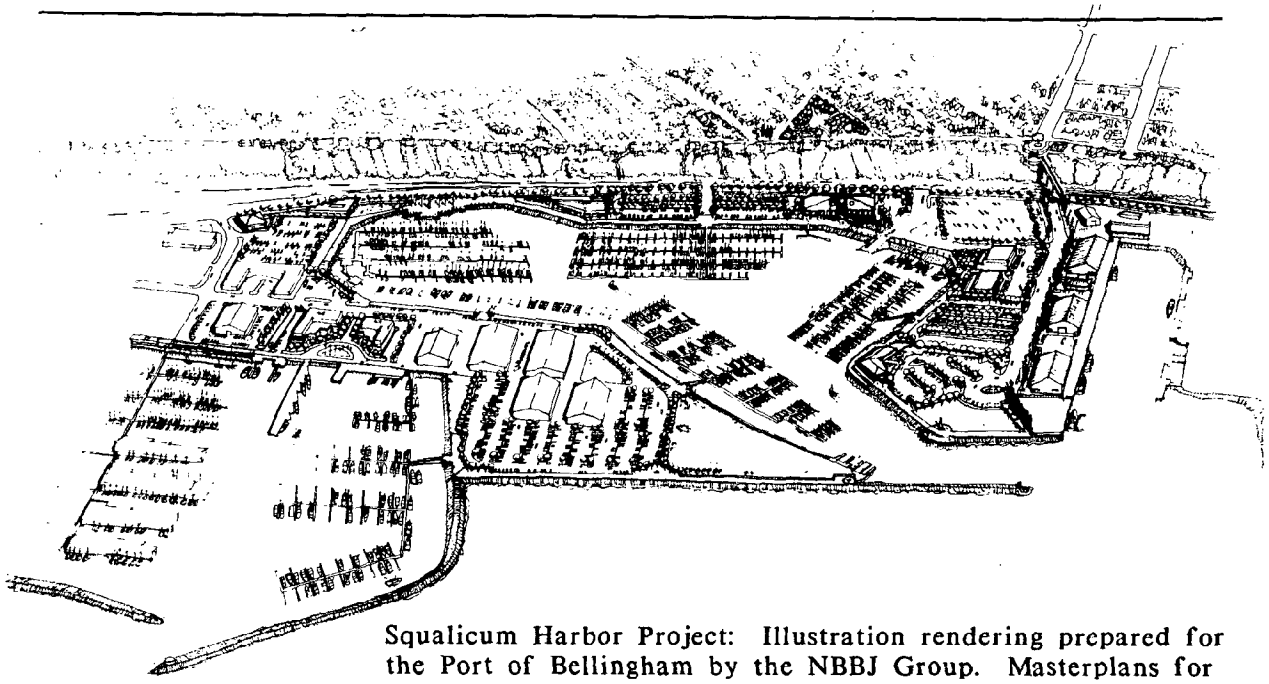
   a. Provide a rational planning framework for amending shoreline master programs.

   b. Integrate and coordinate shoreline management activities with waterfront planning and development actions of local ports and local and state agencies.

   c. Provide a means of public input at the goal formulation and concept development phases of waterfront planning.

2. The Department of Ecology should give consideration to developing a set of generalized location requirements describing the conditions necessary for a site to support water-dependent and water-related uses. Such a document could be utilized as a resource by local jurisdictions in shoreline suitability analysis.

3. The Department of Ecology should continue to support comprehensive planning efforts that serve as bases of master programs and special area plans.



Squalicum Harbor Project: Illustration rendering prepared for the Port of Bellingham by the NBBJ Group. Masterplans for special areas are essential in developing an efficient waterfront utilization and a compatible mix of uses. Sub-area plans can be developed as a part of larger scale comprehensive waterfront plan.

3 Master Program Use Requirements

Background

WAC 173-16-040 (iv) states that the objective of the "urban environment" classification is to insure optimum utilization of shorelines within urbanized areas by providing for intensive public use and by managing developing so that it encourages and maintains shorelines for a multiplicity of urban uses. The WAC also calls for a master program to give emphasis to development, within already developed areas and particularly to water-dependent industrial and commercial uses requiring frontage on navigable waters. In recent years, however, urban planning objectives, trends in water-dependent industries, and real estate development pressures have resulted in several land use regulatory issues. Among them are:

a. Several cities and towns wish to redevelop their central waterfronts adjacent to central business districts into uses that would support the revitalization of the downtown area and promote visitor attractions and recreational activity. Typically, water-dependent industrial activities in central waterfronts have languished because of poor access and/or lack of usable upland area and competition with other more profitable commercial uses.

b. The development of nonwater-dependent uses serving or associated with water-dependent and water-related enhance those activities in several jurisdictions. However, indiscriminate permitting of nonwater-dependent uses such as offices or retail outlets on viable industrial waterfronts forces out water-dependent and water-related activities.

c. There are some areas such as Lake Union in Seattle where the intimate mixture of water-dependent activities and public recreation and access results in an especially

vital shoreline area. Refining master programs to preserve shorelines which support both industrial uses and large residential populations is a particularly complex task.

Marina Village, Everett - A mix of retail, restaurant, and commercial services can help to revitalize central waterfronts, but if unchecked, such development can displace important water-dependent industries that cannot relocate elsewhere.

One of the general policy direction recommendations resulting from the Urban Shoreline Workshop is that the Department of Ecology should consider allowing a greater range of nonwater-dependent uses in master program use requirements for urban shorelines providing that:

a. There is a clear rationale for increasing the amount of nonwater-dependent uses based on a "comprehensive waterfront plan" and,

b. The master programs are specific about where, and under what conditions, those uses would be allowed.

The task, then, for cities who wish to develop certain portions of their urban waterfronts more intensively with nonwater-dependent uses is to develop a rational comprehensive waterfront plan that adequately addresses state-wide shoreline management objectives and to make their master programs more specific with regard to use requirements. At the same time, the results of the workshop indicate that certain restrictions for types of uses and development actions should be maintained by state-wide policy. The first portion of this chapter deals with methods to refine master program use requirements and the second portion describes recommended use policies which will define the limits of local master program requirements.

Procedural and Technical Recommendations

REFINING MASTER PROGRAM USE REQUIREMENTS

The department should encourage local governments to add specificity to their master programs. Three techniques have emerged as useful ways to add specificity to master program use requirements:

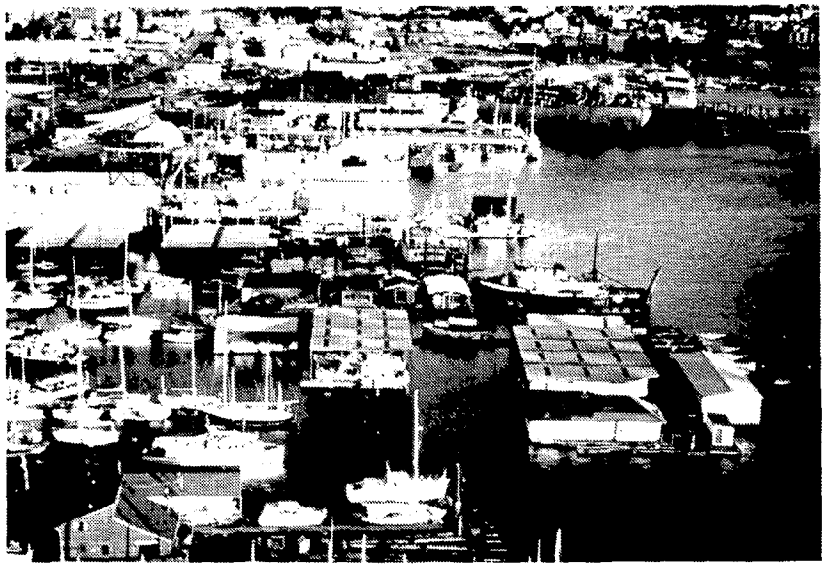
1. Using a greater number of specific shoreline designations or sub classifications.

2. Using "longitudinal shoreline sub-areas".

3. Setting specific conditions or requirements on conditional and accessory uses.

SHORELINE ZONES AND SUB-CLASSIFICATIONS

By increasing the number of shoreline designations, or sub-classifications to account for differing conditions and objectives on different segments of the shoreline, the proposed Seattle Master Program has sub divided the urban shoreline classification into different sub-classifications. This allows for a great deal of refinement and specificity in master program use requirements. In areas with an integrated mix of uses such as Lake Union, the sub-classifications can be assigned to small areas, preserving some sites for maritime uses and allowing others to accommodate a wider range of activities.

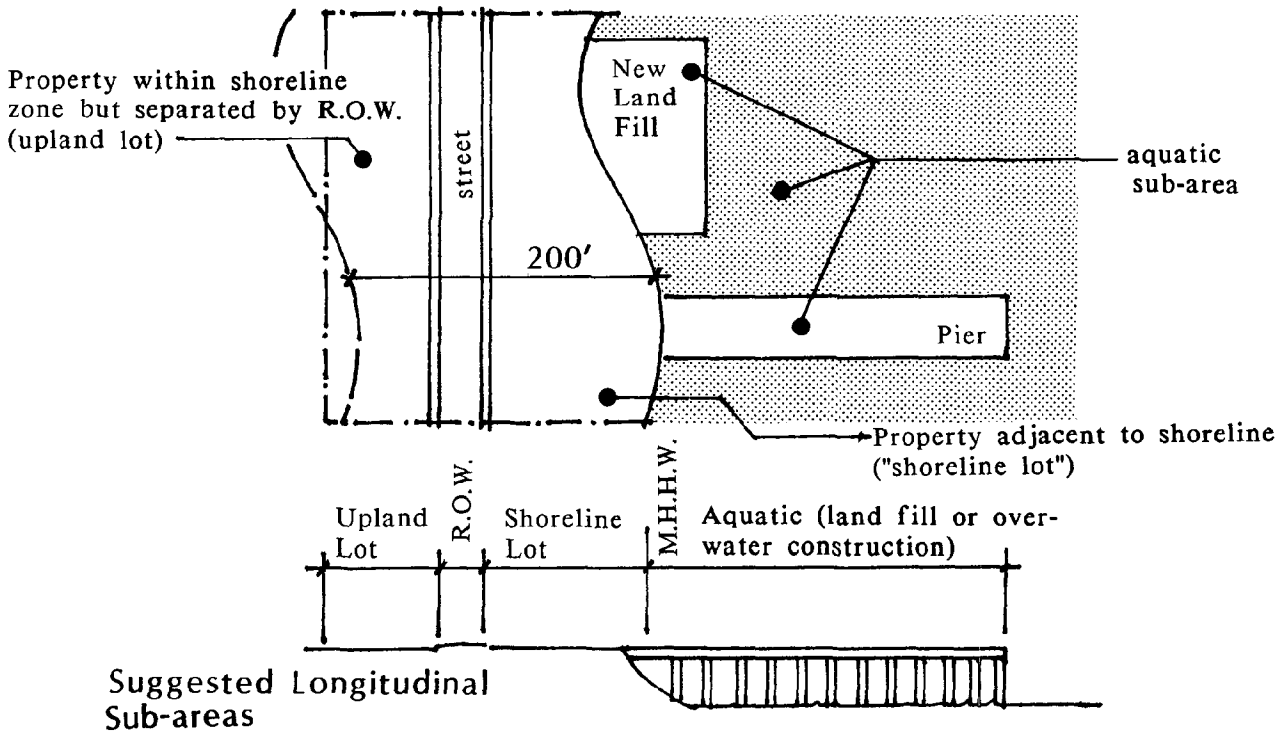


Lake Union - An especially active and fine-grained mixture of industrial, commercial, residential, and recreational uses which is important to Seattle's economy and its visual character. Seattle's proposed Master Program is aimed at preserving this mix of activities by finely gradated shoreline environmental designations and specific requirements for each designation.

LONGITUDINAL SHORELINE SUB-AREAS

The shoreline can also be divided into identifiable longitudinal areas as illustrated by the diagram distinguishing between uses that are permitted in the "aquatic sub-areas" through land fill or over-water construction, those permitted on "shoreline lots" (adjacent to the shoreline) and those permitted on "upland lots" (separated from the water by another property or right-of-way). Requirements for each shoreline zone or subclassifcation can be further refined to allow greater specificity. For example, a designation for encouraging maritime industrial uses would permit water-dependent uses only within the aquatic sub-area but might permit water related uses on shoreline lots and nonwater-dependent uses supportive of maritime activity on upland lots.

Specifying individual sets of requirements for each longitudinal sub-area in each of the shoreline zones may not be necessary in all master programs, but it is a tool that can provide the degree of specificity to deal with almost any situation differentiating between aquatic areas, shoreline lots and upland lots could also prove a useful distinction in setting building height and bulk standards.



Suggested Longitudinal Sub-areas

CONDITIONAL AND ACCESSORY USE DESIGNATIONS

There may be situations along a waterfront where certain uses would meet shoreline management objectives providing they meet specified conditions. For example, community centers might be allowed in a certain waterfront zone if they include a public viewpoint or access. In this case, community centers could be listed as a conditional use which must meet the conditions specified for access and must be reviewed and approved by the named regulating body. In naming conditional uses, it is important to specify the conditions that must be met as well as the review process. Otherwise, development proposal using conditional use provision will cause uncertainties in review process and unpredictability for the applicant. Thus, an operational definition for conditional uses is:

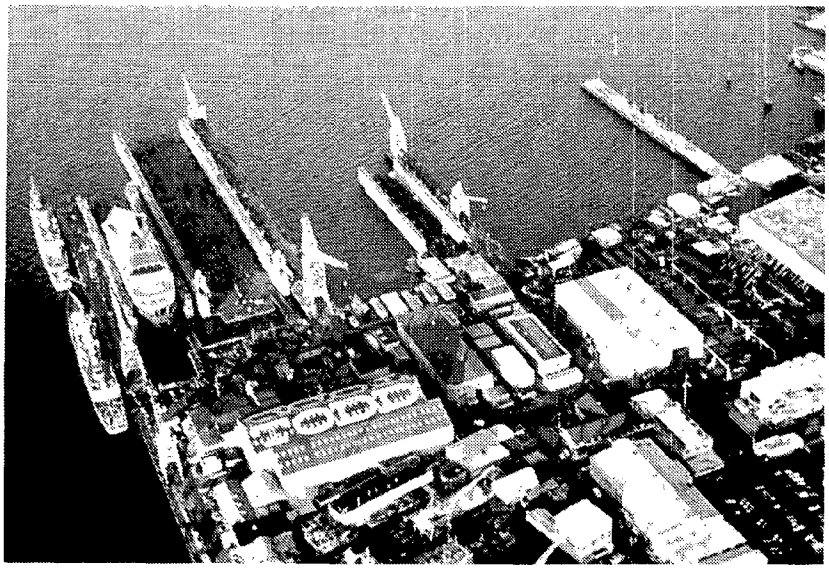
Conditional Use or Special Use

A use so identified in this master program requires that the proposal meet specific conditions named in the master program, approval by the Department of Ecology and is subject to design and performance standards specifically set within the master program and imposed by the city or the Department of Ecology during review.

Often, a large maritime industrial or commercial activity will require nonwater-dependent uses such as offices, parking, or warehousing for support. Unless some accessory use provision is included in the master program, these support activities will be difficult to regulate. At the same time, the definition for an accessory use must not be so broad as to allow uses that are not subordinate and supportive of their primary uses or else restaurants or hotels could be permitted on the shoreline as accessory uses. Thus, an accessory use should be defined as below:

Accessory Use

A use that is demonstrably subordinate and incidental to the principal use and which functionally supports its activity.



Large waterfront industries are a combination of water-dependent, water-related, and nonwater-dependent uses. For example, shipyards may require offices and shops that, although nonwater-dependent in themselves, are integral to the shipyard's function and are permitted as accessory uses.

Specific Use Policies

The following recommendations regarding specific uses and shoreline conditions resulted from discussions at the Urban Shorelines Workshop and are intended to set general limits of acceptability for master program requirements. However, there may be situations to which these general statements do not apply. These recommendations do not necessarily apply to mixed use projects.

Offices, retail/restaurants and hotels are three use types which have caused controversy during shoreline review processes. Listed below are general recommendations for each use for aquatic, shoreline lots and upland lots. Of course, there may be zones or sub-classifications in local jurisdictions where these uses may be further restricted because they are incompatible with the zone's objectives.

Specific Use Recommendations from Workshop Discussion

OFFICES

Longitudinal Sub-Area	Recommended Policy
Aquatic (land fill or over-water construction)	Permitted only in existing structures and then not at ground floor.
Waterfront Lots	Permitted only where adjacent to major business areas (C.B.D.'s) and not at ground floor (grade level). Public access and view access should be a requirement. Height and bulk should be restricted to prevent view blockage.
Upland Lots	Permitted where consistent with comprehensive waterfront plan.

RETAIL/RESTAURANT

Longitudinal Sub-Area	Recommended Policy
Aquatic	Permitted only in existing structures.
Waterfront Lots	Permitted only where adjacent to central business district, major retail area, or other area identified in the comprehensive waterfront plan.
Upland Lots	Permitted in areas identified or consistent with comprehensive waterfront plans.

HOTELS

Longitudinal Sub-Area	Recommended Policies
Aquatic	Not permitted in new construction. Possibly in existing structures providing public access is provided.
Waterfront Lots	Permitted only where adjacent to CBD or in other areas or zones identified in the comprehensive waterfront plan. Public shoreline access should be a requirement for hotels, height and view blockage requirements are necessary.
Upland Lots	Permitted in zones consistent with the comprehensive waterfront plan.

Policy Recommendations for Specific Conditions

LAND FILL

Land fill should be allowed only to provide public accessibility (e.g. fishing pier), to provide recreation, and under some conditions, for water-dependent uses. Fill might also be allowed as trade-off for enhancement of fisheries, wetlands or other matters of public benefit, but this must be subject to review and only in special circumstances. On submerged lands, fill can be permitted for dredge disposal (with controls), for stabilization of underwater utilities, for beach enhancement, and for fisheries enhancement, providing all environmental requirements are met.

EXISTING OVER-WATER STRUCTURES

Because there are a limited number of existing over-water structures and because many of them add a good deal of historical or design character to the state's waterfronts, it is reasonable to allow a greater range of uses in them, providing they are rehabilitated to standards prescribed or referred to in the local master program. This recommendation is consistent with the DNR policy guideline for uses in existing structures.

Recommendations for Actions

1. If local jurisdictions wish to allow a greater diversity of uses on urban shorelines, they should amend their master programs to reflect a comprehensive waterfront plan and to provide greater specificity. Three ways to provide greater specificity are, 1) refinements to shoreline zones or sub-classification, 2) longitudinal sub area designations and 3) use of conditional and accessory use provisions.

2. The Department of Ecology should give consideration to master program amendments permitting a wider range of land use activities responsive to the local planning objectives providing the master program requirements are based on a comprehensive waterfront planning rationale and provide the necessary specificity for efficient project review.

3. Generally, offices, restaurants, retail business or hotels should not be permitted in new over-water structures or on new fill. These uses may be permitted on shoreline lots in zones or sub-classifications identified or consistent with a comprehensive waterfront plan. Access requirements and height and bulk standards should be carefully considered on shoreline lots. Master program requirements for offices, retail/restaurant and hotel uses may be less restrictive for upland lots. View blockage standards should still be carefully considered.

4. Master programs should carefully define the terms "conditional use" and "accessory use" to insure that they do not result in project review difficulties or authorize permits inconsistent with master program objectives.

5. Master programs should allow a wider diversity of uses in existing structures than would be allowed in new construction.

Fishermen's Terminal, Seattle - Seattle's Proposed Master Program has an environmental sub-classification called Urban Maritime with use requirements specifically formulated to preserve and encourage water-dependent and water-related uses.

4 Public Access Standards

Background

The Washington Administrative Code chapter providing guidelines for master program development, WAC 173-16-040 (4) (iv) states that:

In the master program, priority is also to be given to planning for public visual and physical access to water in the urban environment. Identifying needs and planning for the acquisition of urban land for permanent public access to the water in the urban environment should be accomplished in the master program. To enhance waterfront and ensure maximum public use, industrial and commercial facilities should be designed to permit pedestrian waterfront activities. Where practicable, various access points ought to be linked to non-motorized transportation routes, such as bicycle and hiking paths.

The provision of public access along urban shorelines has resulted in several master program issues:

- How can public access be most effectively planned to optimize public benefit?
- When can public access be a substitute for water dependency or water relatedness?
- When should public access be required?
- What implementation techniques are useful in achieving public access objectives?

The recommendations in this chapter relate to these questions. They represent the general concensus of Urban Shoreline Workshop discussions and the experiences of local jurisdictions and planners involved with access planning.

Additionally, the Department of Ecology publication, An Evaluation of Public Access to Washington's Shorelines Since the Enactment of the Shoreline Management Act of 1971, by James Scott is a valuable reference and includes master programming and policy recommendations.

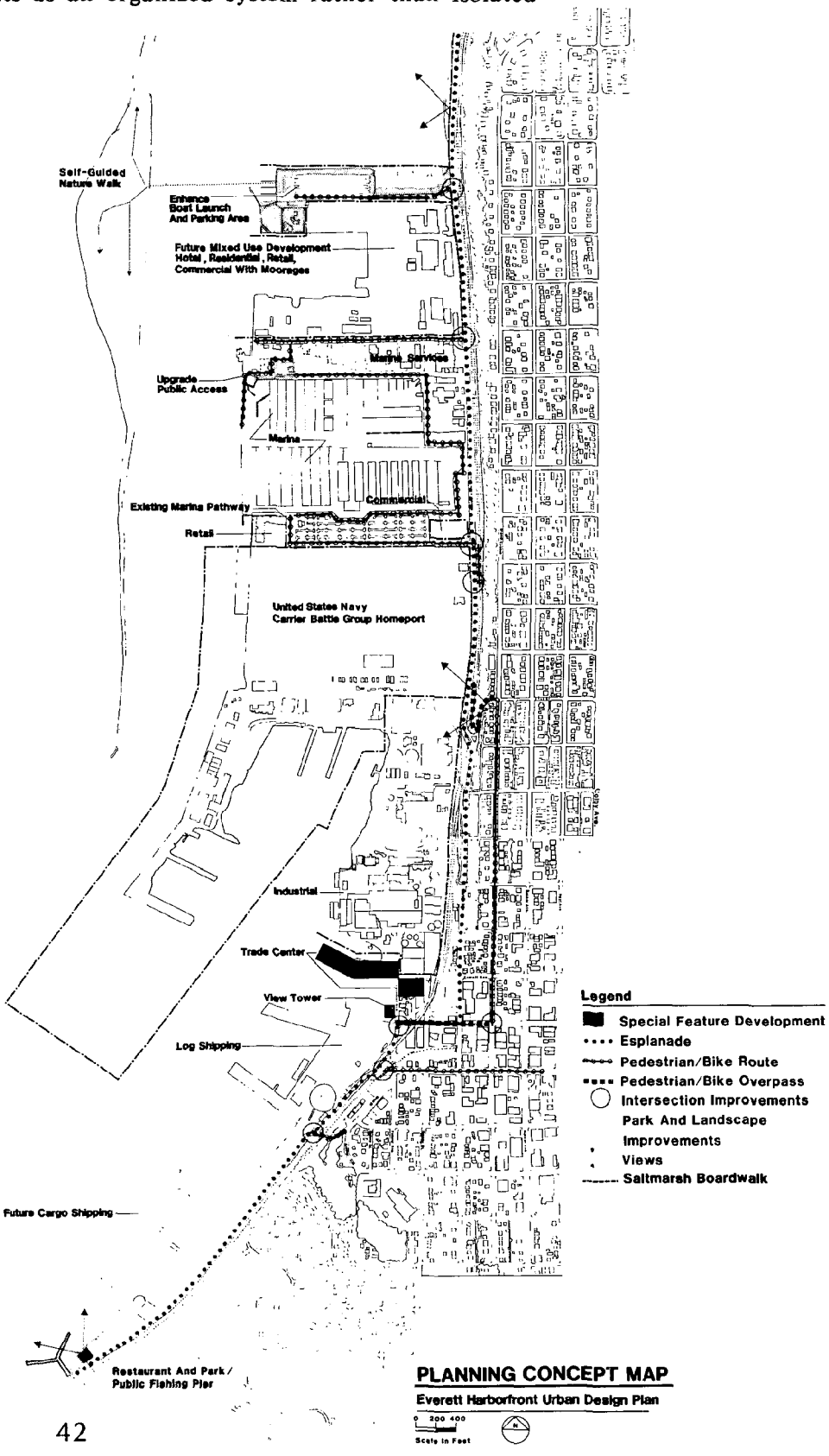
Alki Avenue Esplanade - Pedestrian and bicycle paths are important in linking recreation sites and commercial attractions and can be key elements in waterfront development plans.

Recommendations

COMPREHENSIVE ACCESS PLAN

A principal finding of the workshop and this report's research is that a comprehensive access plan is a critical tool in achieving public access objectives. Such a plan not only organizes the public planning and capital improvement efforts, it provides a rationale for private development access requirements. Requiring development to provide shoreline access has a stronger rationale if these policies are tied to a comprehensive strategy to enhance the shoreline's use of public and private actions. For example, a comprehensive waterfront access plan can identify where access will be most useful, demonstrate how private efforts can tie into public projects, specify how various private developments can be linked together, and/or used as a basis to decide areas where specific standards are required.

Connecting links for Everett's harborfront Urban Design Plan comprehensive access plans offer the opportunity to look at access elements as an organized system rather than isolated sites.



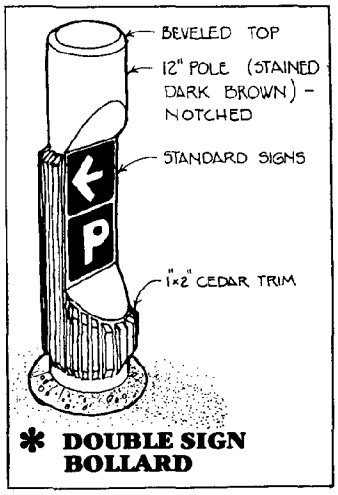
Access plans have also been useful in revitalizing urban waterfronts, garnering public support, and furthering urban design goals because they are visual in presentation and positive in direction rather than solely regulatory. They also compliment the regulatory aspects of master programs and can provide a basis for master program standards.

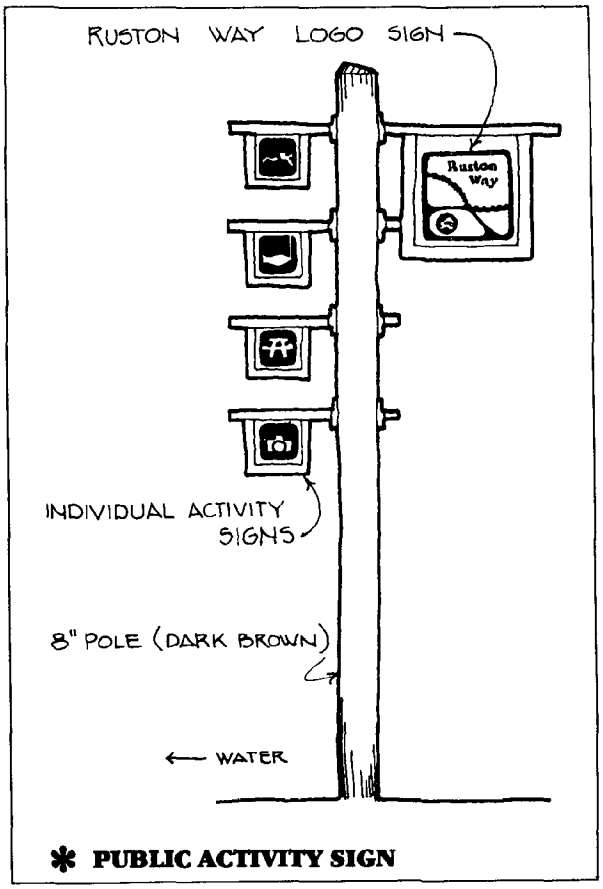
Rendering from Port Townsend's comprehensive access plan prepared by Ron Kasprisin. Because access plans often include some visual improvements they can elicit public interest through the use of renderings such as this.

A successful public access plan should ideally contain the following elements and should incorporate public improvements (such as trails and parks) and regulatory requirements and standards for private developments:

- Relation of route to transportation system
- Relation of pathways to land uses and development patterns
- Districts of differing access requirements (e.g. districts where shoreline access is required, where it can be a substitute for water-dependent uses, where it is not necessary, etc., type of access required)
- Identification of special opportunities
- Relation to recreational facilities parks, etc.
- Design and signage standards
- Public/private implementation strategy
- Safety criteria

- o Standards for private development (e.g. setback, landscaping, etc.)
- o Standards for providing privacy for adjacent residents





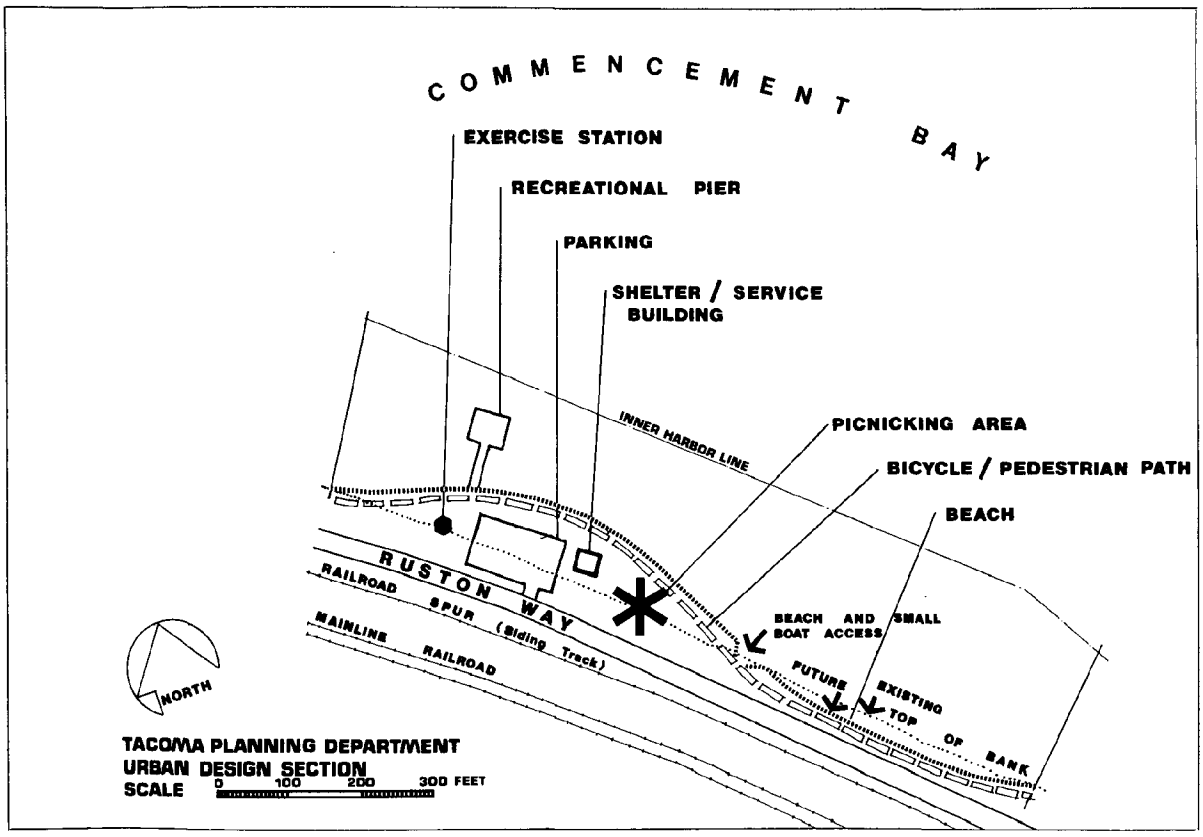
Signage and design standards are useful elements in a comprehensive access plan. From the Ruston Way Plan by the Tacoma Planning Department.

An access plan could either be a part of the shoreline master program or a separate document referred to in the master program. A separate document has the advantage that it can be modified more easily and utilize an appropriate format. It is sufficient in Department of Ecology permit review for local administrators to document whether or not the proposed project meets the adopted access plan and refer to the plan's provisions. If the latter method is used, however, the master program should contain minimum access design sign standards and indicate where access is required.

An access plan must be clear, direct and codified. The plan should include both a map and language which establishes the

criteria and standards. It could be developed in phases, with a conceptual plan and general goals coming first, supplemented by more detail as time is available.

Several towns and cities have developed access plans for a portion of all of their urban waterfronts including Port Townsend, Port Angeles, Everett, Bremerton, Kirkland, Tacoma, and Olympia. Several cities have also initiated successful public access and recreation projects resulting from or in addition to such planning efforts including Percival Landing in Olympia, Elliot Bay Park and Waterfront Park in Seattle, the Port Angeles Civic Pier, and Ruston Way in Tacoma.



Tacoma's Ruston Way Plan includes several focal areas combining a mix of recreational uses.

These and other projects have generally been key factors in stimulating desirable development along urban shorelines and have played important roles in revitalizing their locales.

PUBLIC ACCESS AS A REQUIREMENT FOR NONWATER-DEPENDENT USE DEVELOPMENT

The general concensus of workshop participants was that providing public access should not be a blanket substitute for water dependency or water relatedness requirements. The access plans should indicate specifically where public access is used as a provision for permitting nonwater-dependent and water-related uses and this provision should also be reflected in the master program use requirements. The master program should set definite standards for the design of the access which should cover:

1. Connection to public R.O.W.
2. Hours and restrictions to access
3. Legal mechanism for insuring that access will be maintained (easement, etc.)
4. Signage
5. Connection to pedestrian or bike trail
6. Requirements for site enhancements such as seating, landscaping, viewing platforms, opportunity to reach the water's edge, lighting, interpretive displays, etc.

SUGGESTED IMPLEMENTATION METHODS FOR ACHIEVING PUBLIC ACCESS

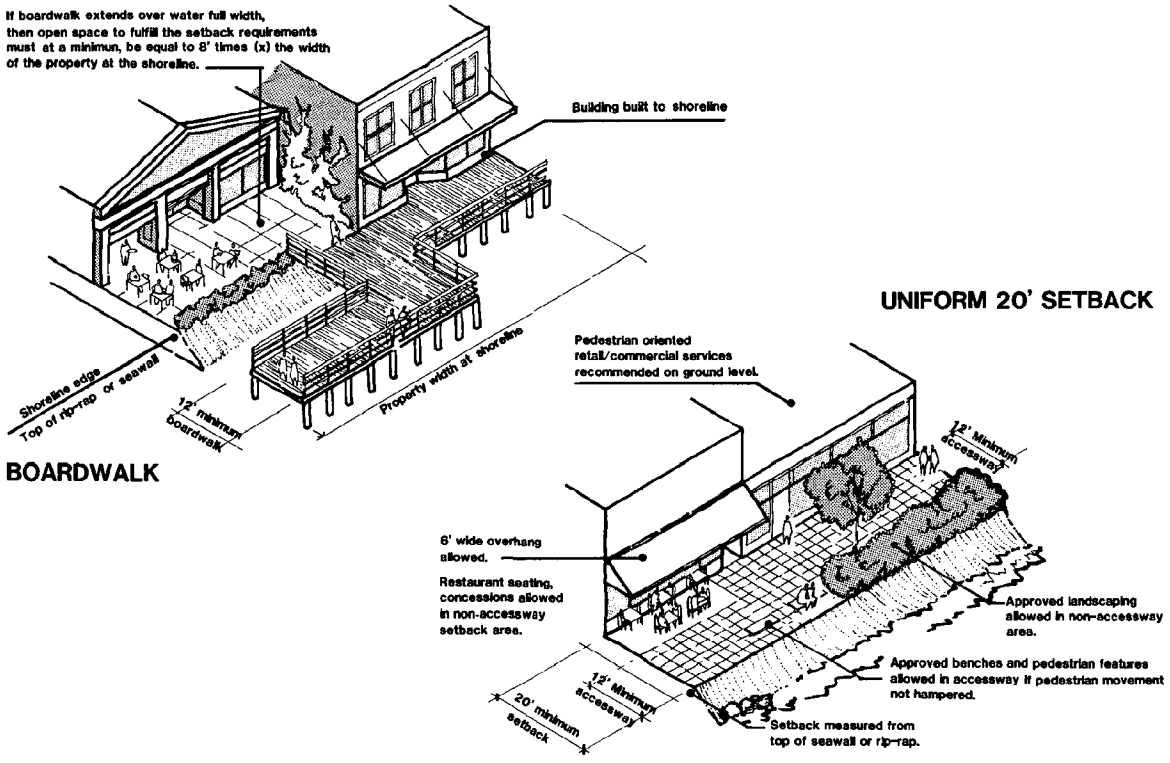
Providing public access in some situations such as established residential or heavy industrial areas can be quite difficult. One of the products of the workshop included suggestions for implementing access objectives which are listed below.

1. View towers, periscopes and grade separated platforms are useful in providing views of industrial activities and have proved successful in areas such as Percival Landing in Olympia and the Pier 48 view point in Seattle. Interpretive displays explaining what is seen is also an attractive feature. Such viewpoints are considered viable alternatives to trails or paths into dangerous industrial sites.

2. One example cited of a technique for providing access in a subdivision occurred during the short platting of a larger land parcel. Instead of requiring each short platted parcel to develop a single access point, a larger access parcel for the whole package is designated at the time of sub-dividing. There was a requirement that all buildings be set back 50 feet from the water. The 20 feet adjacent to the public strip was to be landscaped at the developer's expense, as a buffer, and the other 30 feet could be a rear yard to the homes. This wide strip would create a much better environment for the public access.

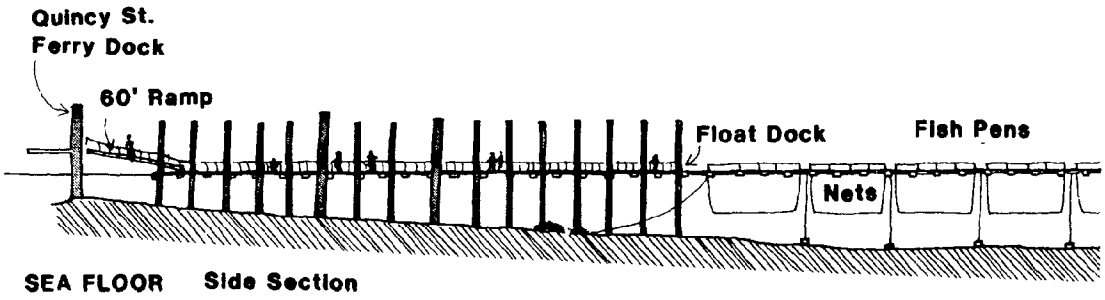
3. Another possibility which should be strongly investigated is cash donation to a public access fund in lieu of a specific access requirement. Such a concept could be outlined in the public/private implementation strategy in the public access plan. The dollar donation could be at the developer's choice, as an option to actually providing access. Another possibility would be to allow the developer to provide access consistent with the access plan on an off-site location.

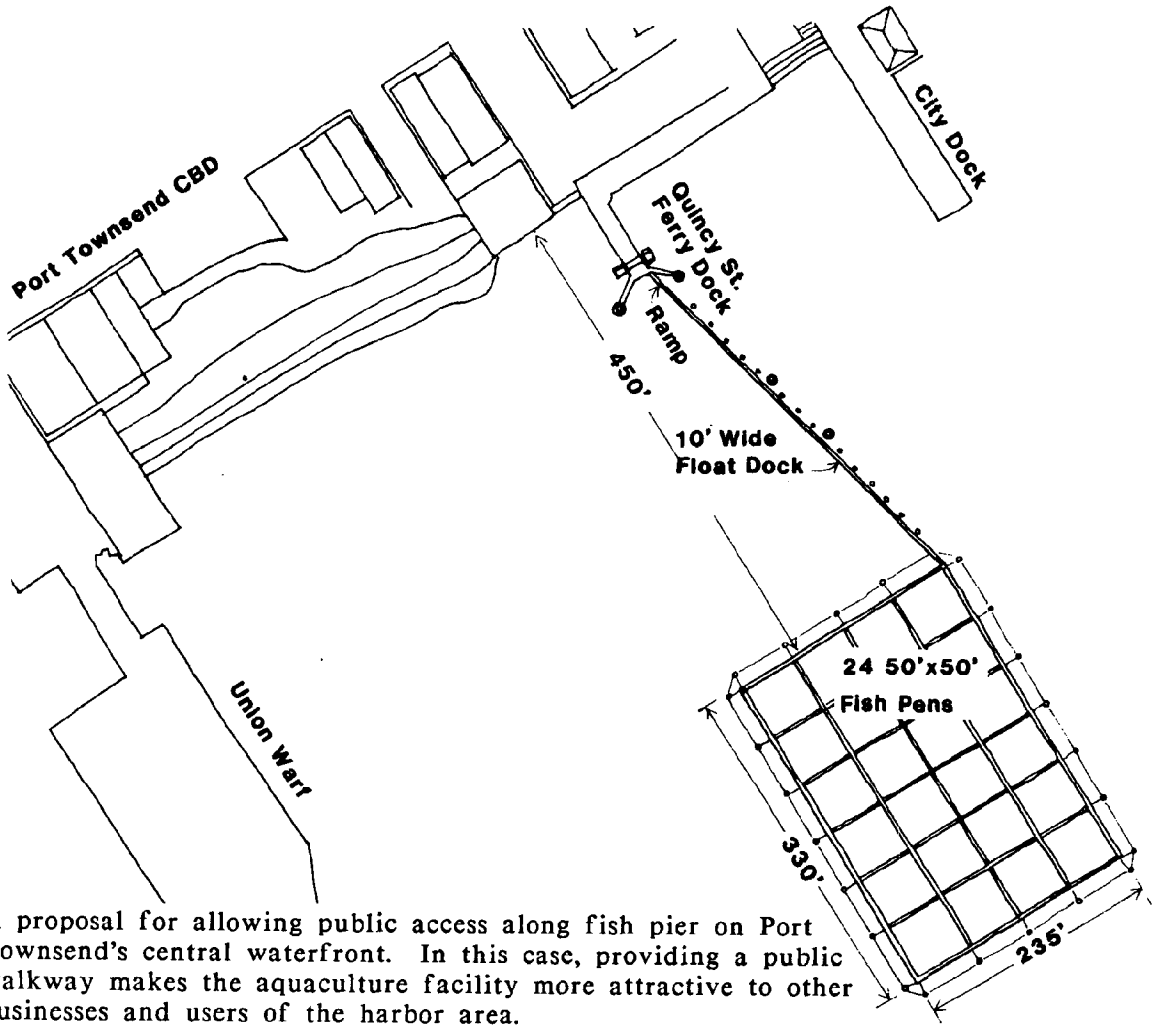
4. Public access in retail commercial areas can be provided through the construction of a public boardwalk over the water or at the shoreline. This, in turn, provides an attractive street front for slopes and restaurants. Percival's Landing in Olympia incorporated this idea and requirements for a boardwalk/accessway at the shoreline are an important part of Bremerton's waterfront revitalization plan currently being prepared.



Boardwalks or continuous shoreline access easements have been useful in promoting redevelopment. This scheme shows how access requirements can be accomplished in a variety of conditions.

5. Port Townsend is considering the permitting of aquaculture pens in their harbor area. Although the pens have caused a great deal of concern because of potential conflict with pleasure boat traffic and other waterfront activity, one attractive idea is to allow public access along the walk to one of the pens. This walk could provide unusual views of the city and a unique pedestrian experience.





A proposal for allowing public access along fish pier on Port Townsend's central waterfront. In this case, providing a public walkway makes the aquaculture facility more attractive to other businesses and users of the harbor area.

Recommendations for Specific Actions and Policies

1. The Department of Ecology should continue to encourage and support comprehensive shoreline access planning efforts by local jurisdictions.

2. Local jurisdictions should develop shoreline access plans as part of their master programs or in concert with master programs. Master program requirements should refer to the applicable access plan standards if they are not included directly in the master program. Comprehensive access plans should develop an organized system of pedestrian and vehicular paths and access points and should incorporate public improvement actions and private development standards.

3. During project review, local jurisdictions should note whether or not a proposal meets access standards in the access plan and master program.

4. The provision for public access plans should not be considered a blanket substitute for water-dependent and water-related uses. Local master programs should specify where and under what conditions public access can be substituted for water-dependent or water-related uses. Generally speaking, providing water access does not justify construction of a nonwater-dependent use over the water, although the public access point itself may be permitted over water.

5. Local jurisdiction should explore a variety of innovative ways to provide public access and not be restricted to a single approach.

5 Design Standards

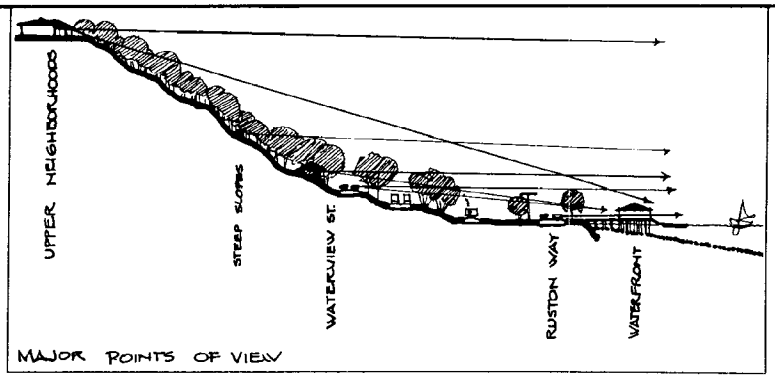
Background

Design standards to preserve views, provide sunlight and air, control height and building density, regulate signage, and to enhance an urban design character are used by various jurisdictions. The complexity and format for these differ greatly.

The two principal issues that have arisen regarding design standards are:

1. The type and scope of design elements which should be covered by master program standards.

2. The need for master program development techniques to provide flexibility in design standards for various environmental conditions as well as to provide sufficient specificity to facilitate project review. The discussion in this chapter relates principally to these two issues and results primarily from interviews with local administrators in charge of shoreline management, the workshop discussion, and from a review of master programs.



View blockage from a number of locations is an important issue in several cities as indicated by this sketch from Tacoma's Ruston Way Plan.

Procedural and Technical Recommendations

TOPICS TO BE INCLUDED IN MASTER PROGRAM STANDARDS

The most specific directions in the Shoreline Management Act and supporting WAC chapters regarding design standards deal with view blockage. This concern for view protection translates into the need for master programs to regulate height and side yard (or view corridor) requirements. In addition, front yards (facing the street) and rear yards (facing the water) are often specified in order to prevent a visual narrowing of the street corridor and to provide a set back from the water. Besides maintaining views of the water, height and bulk (bulk meaning the size of building as determined by side yard setbacks) are useful in regulating the urban scale of shoreline developments and in preventing undesirable shade and shadow patterns.

It is important to note that the WAC directions pertain primarily to view blockage or degradation and not to design, style or purpose. Master program standards for signage need not be concerned with issues such as color, materials or graphic designs. It appears that these type of controls, if desired, should be included in a signing ordinance or the local zoning code. Likewise, design standards for building materials, architectural design and landscaping and site elements standards (except as related to required public access features) should not be included in master programs.

Location and size of parking lots are important considerations relating to both use requirements and design standards. The General Development Standards for the proposed Seattle Master Program calls for all off street parking uses of more than 5 spaces to be at least 5-0' from the water's edge.

PROVIDING FLEXIBILITY AND SPECIFICITY IN DESIGN STANDARDS

Design standards must be specific enough to facilitate project review with predictable results. At the same time, design standard flexibility is desirable to take into account unique site conditions or to allow deviations or variables that would result in development more favorable to the public. Several methods to deal with these two objectives have been developed and are described below.

1. REFINING DESIGN STANDARDS ACCORDING TO LONGITUDINAL SUB-AREAS

Just as longitudinal sub-areas (e.g. aquatic, shoreline and upland lots) can be used to refine use requirements, they can also be helpful in formulating more effective design standards. For example, in a given zone, the height limits might be 35 feet for aquatic areas, 55' for shoreline lots and 75' for upland lots. This type of refinement could be very useful in preventing view obstruction and maintaining small scale development at the shoreline.

2. REFINING DESIGN STANDARDS BY SETTING A HIERARCHY OR REQUIREMENTS FROM GENERAL STANDARDS TO USE-SPECIFIC OR ZONE-SPECIFIC STANDARDS

The proposed Seattle Master Program sets both general development standards that are applicable throughout all shorelines and then also sets standards that vary from sub-classification to sub-classification. Signage standards, are

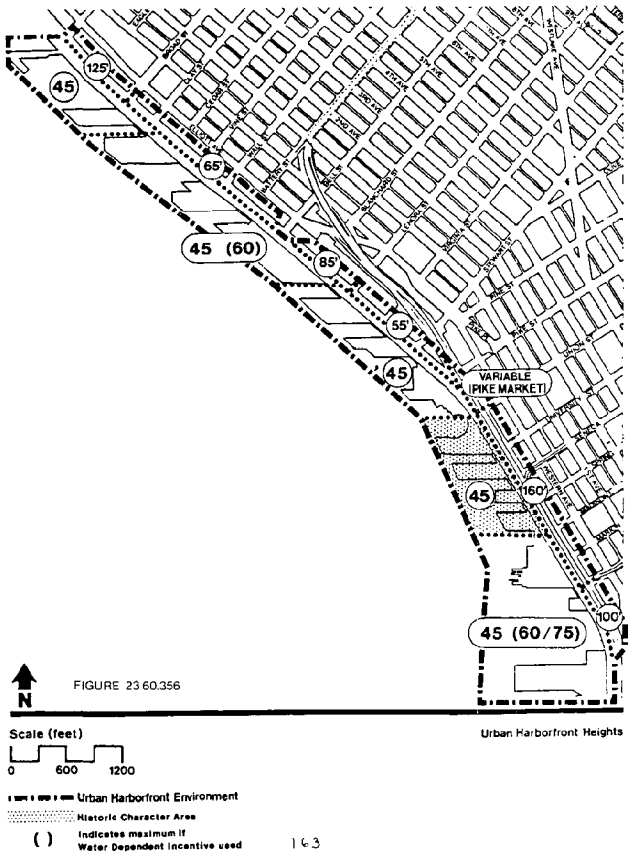


Diagram from Seattle's proposed master program showing height restrictions on the central waterfront.

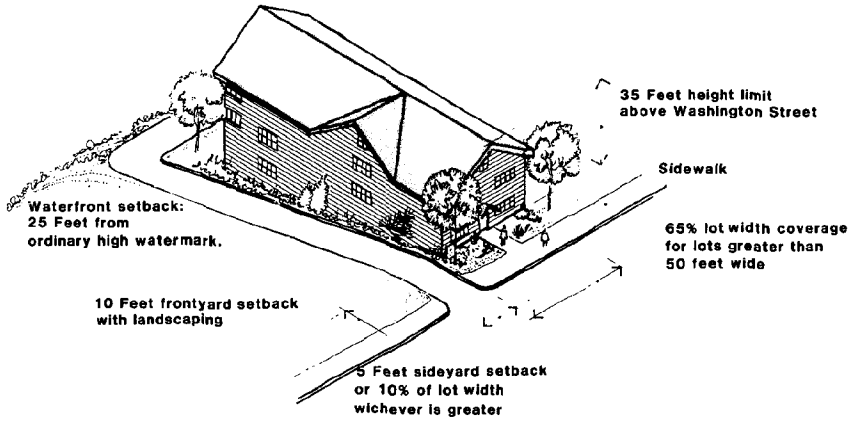
covered under general development standards while height and bulk standards are set for each individual sub classification (e.g. urban maritime, urban commercial, etc.). Some master programs assign height and bulk to individual shoreline land use zones. The proposed Seattle Shoreline Master Program further divides the Urban Harborfront Environmental Sub-Classification into sub-areas with height limits specified for each area. Finally, greater heights are allowed in specified areas if water dependent uses are developed according to the water-dependency provisions. Thus, additional height is used as an incentive with water dependency but only according to very specific conditions.

3. ALLOWING EXCEPTIONS TO DESIGN STANDARDS IF THEY MEET SPECIFIED PERFORMANCE CRITERIA

The Tacoma Shoreline Master Program incorporates a technique for allowing exceptions to design requirements that sets specific performance criteria which any exception must conform. For example, a rear setback can be reduced from the requirement stated in the code if approved by the Hearing Examiner and the City Council. To be approved, it must be shown that, a) one of several benefits will accrue by granting the exception or that the required setback is unnecessary by site conditions; and b) that the redirection of a setback will not result in any of the negative impacts described in the section. Finally, the Hearing Examiner and the city council may place conditions on the substantial development permit to ensure compliance with the master program objectives.

Recommendations for Policies and Actions

1. Local jurisdiction should include in master programs, design standards for height, sideyard setbacks (view corridors), frontyard setbacks and rearyard setbacks (shoreline setbacks). They should also include signage standards that relate to view blockage or degradation. Standards for size and location of parking lots should also be set either as use requirements or design standards.
2. Local jurisdiction should consider a variety of options in developing provisions for flexibility and specificity in design standards.



RESIDENTIAL ZONE

Diagrams such as this help to explain height and bulk requirements. From Bremerton's Waterfront Plan.

6 Master Program Provisions for Mixed-use Developments

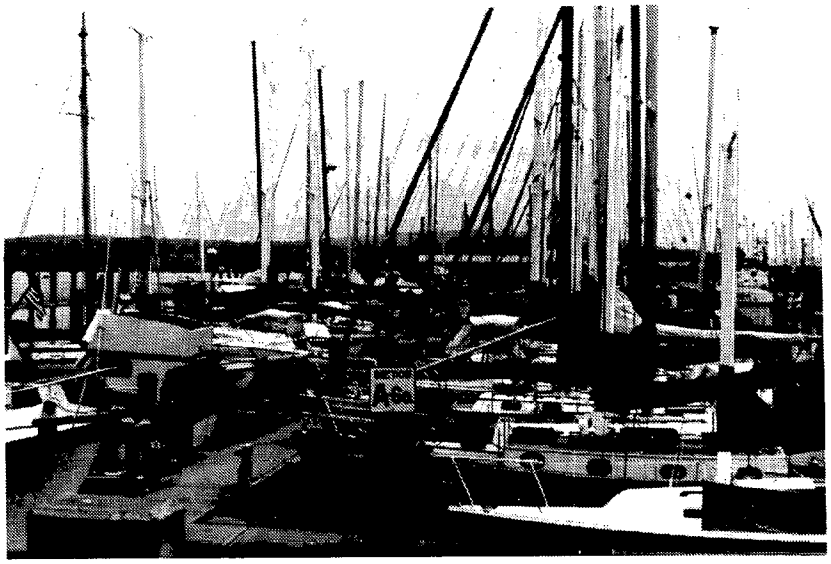
Background

Mixed-use projects are shoreline developments which combine more than one separate but related activity into a coordinated package. Activities usually include one or more water-dependent uses such as marinas, docks, ship terminals, boat services, etc. with non-water dependent uses such as restaurants, retail shops, offices, hotels, etc. High amenity public access or recreational uses are also common elements in a mixed-use project. Inherent in the concept of mixed-use development are the following assumptions:

- The use activities should work together and support each other functionally and aesthetically.

- Mixed-use provision generally offer a potential developer more latitude then master program requirements would normally allow. In return, the developer's proposal includes elements that are clearly in the public benefit. (For example, a mixed-use proposal may include nonwater-dependent uses over water in return for developing a significant water-dependent use and public access.) Generally in mixed-use projects the water-dependent uses and non-revenue recreation uses are "subsidized" by the economic advantages of the other uses in the sense that the water-dependent uses could not be economically developed without support from viable nonwater-dependent development.

- Mixed-use projects should respond to unique physical conditions and development opportunities along the shoreline and should not produce developmental precedents that can be copied indiscriminately along the shoreline.



Marinas are a common element in mixed-use projects because they combine water-dependent status with a pedestrian activity and an attractive ambience.

- o Because they are usually large scale developments which serve as activity focal points, mixed-use projects should be especially sensitive to design opportunities and local environmental conditions. The special nature of the site and urban design values of the locale should be incorporated into the project's master plan and design.

- o Mixed-use projects require case-by-case project review for several reasons:

  - Developing specific master program, mixed-use standards is nearly impossible because of the complexity of individual projects and variety of possible site conditions.

  - Design qualities, quantities of different uses and access provisions, vary substantially from site to site and project or project.

  - The public benefit must be evaluated and weighed against the impact of the project. This process involves debate in the public forum and final decisions by elected officials.

Clearly, mixed-use projects offer exciting possibilities for revitalizing urban waterfronts, promoting water-dependent activities and public access and achieving the objectives of the Shoreline Management Act. In essence, mixed-use provision act as incentives for developers to achieve public

objectives and at the same time, realize an attractive profit. However, they also produce a number of issues, questions and problems for shoreline master programming and project review. Among them are:

1. How to weigh the project's public benefit against its potential impacts and how to incorporate public input into the decision process.

2. How to develop a process to "negotiate" design elements and use requirements. Typically, reviewers and development applicants need to be able to mutually resolve numerous planning and design issues such as amenities of use, public access design, urban design controls, integration with local surroundings, parking and circulation, etc.

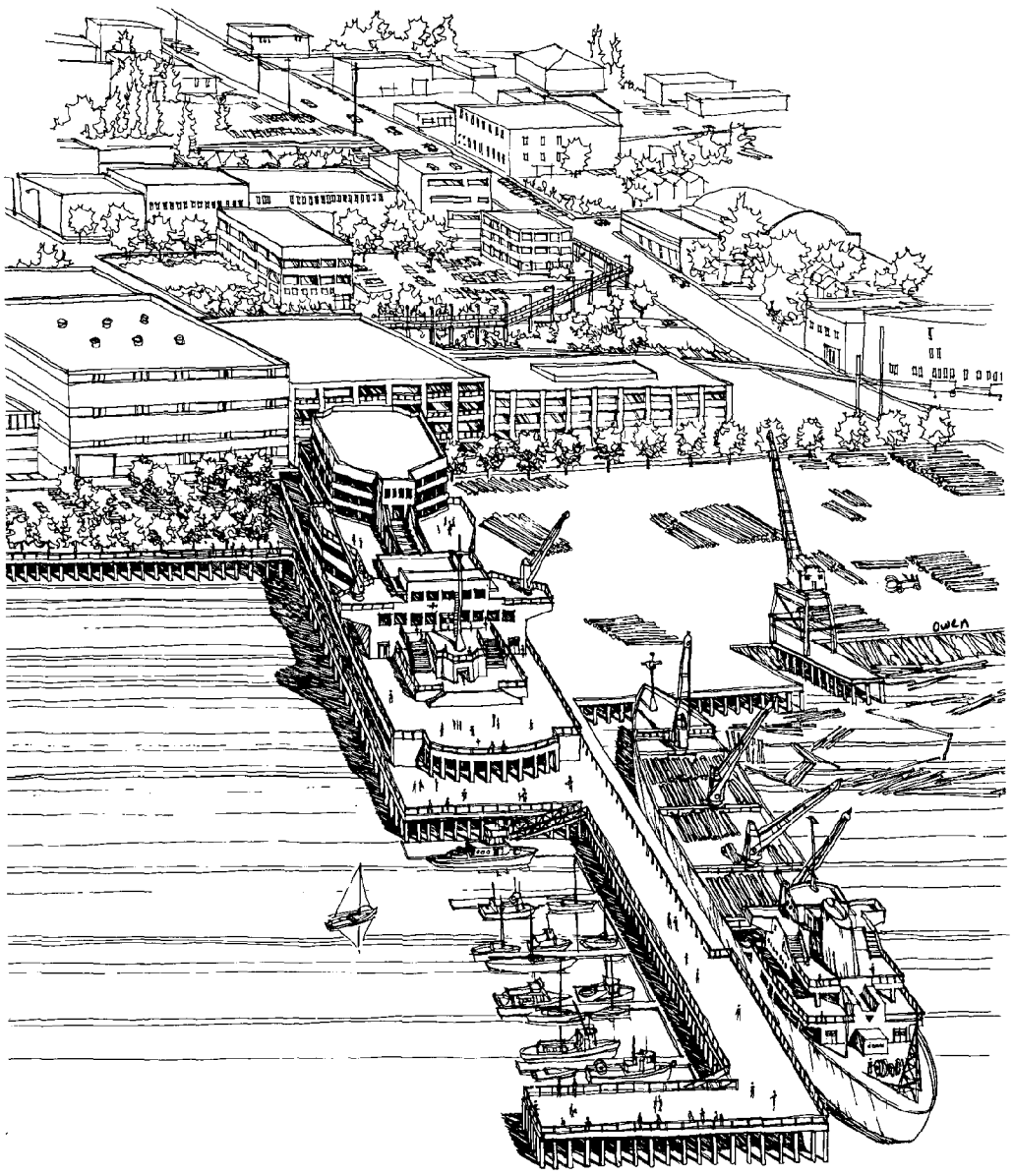
3. How to ensure that the water-dependent use is not abandoned after the project is developed, leaving essentially a nonwater-dependent project on the shoreline.

4. How to evaluate whether or not the "subsidy" of water-dependent or recreational uses is legitimate and necessary.

5. How to involve the Department of Ecology and the Department of Natural Resources, (if DNR is involved as land owner) into the initial stages of the review process.

6. How to ensure that the project does not set an undesirable precedent that can be copied in other areas.

These questions point to the need for master programs to include provisions to set the general direction and parameters for mixed-use proposals and to define a process by which they can be evaluated, reviewed, and developed. One general conclusion of the Urban Shorelines Workshop was that a great deal of flexibility in review is required to encourage creative, positive projects, strong shoreline management planning is also a prerequisite to set the stage and provide a framework for planning decisions. The recommendations in this chapter are directed toward master program provisions for mixed-use projects.



Concept rendering for a trade center/mixed-use complex for Everett's Harborfront. Such projects can provide exciting opportunities for intensive shoreline usage but they usually present complex design and compatability issues that must be resolved.

Procedural and Technical Recommendations

Since experience has demonstrated the difficulty of developing specific mixed-use standards to account for the variety of project proposals and site conditions, a different approach to master program provisions is necessary. It is recommended that minimum master program mixed-use provision should contain the following three elements which are discussed in greater detail below.

1. A set of public objectives describing the type of benefits that the city or locale expects to achieve in any mixed-use project.

2. A set of "bottom-line" minimum standards which must be met by any development proposal. These standards would serve to define the lowest level of acceptability for proposals and it should be expected that proposals would provide elements that improve on these requirements and respond to potentials of the situation.

3. A process for reviewing and reaching a local decision on the acceptability of mixed-use proposals.

PUBLIC OBJECTIVES FOR MIXED-USE DEVELOPMENTS

These objectives should not only serve as general goals but also as performance criteria by which to judge a proposal's public benefit. Objective statements should include the following topics where applicable:

1. Development of water-dependent, water-related activities and water-enjoyment activities

2. Pubic shoreline access and recreation activities

3. Biological enhancement of the shoreline and aquatic areas.

4. Urban design character and design elements as appropriate including:

    a. View protection and enhancement
    b. Desired design qualities such as scale, levels of formality, interpretation of natural features
    c. Integration with surrounding areas
    d. Open space, landscaping and site features
    e. Architectural design character of buildings (These should be stated in general terms, not as standards. Not all categories will necessarily apply, but this is the place where, for example, a small town may state that mixed-use development

should "integrate with the small scale and historic character of local buildings, should protect view corridors along major avenues and parks and should further the pedestrian orientation of ground level uses."

5. Functional and economic development benefits (Here, for example, might be stated that "mixed-use development in the central waterfront should provide activities that attract people to downtown and support retail services in the C.B.D. etc.")

6. Community redevelopment and image enhancement goals.

Separate objective statements will likely be desirable for different waterfront zones or environmental sub-classifications. For example, objectives for designations adjacent to the downtown area may be oriented toward tourism or commercial and recreational services while objectives for an industrial area may encourage multi-use business/ industrial trade related commercial centers and other districts favor recreational and environmental enhancement objectives.

MINIMUM STANDARDS

While the objective statements indicate what the public expects to achieve by permitting a mixed-use project, minimum standards are also to delineate the requirements a project must meet if it is to be considered. For example, if a master plan states that a project cannot block water access from an important city park, then a proposal will not be considered if it does not adhere to this standard even if other public benefits will accrue.

Thus, minimum standards must be carefully considered so as not to unnecessarily restrict creative development ideas and yet safeguard against the loss of important existing shoreline resources. Standards could include:

a. Water-dependent/related enjoyment use requirements.
b. Maximum height and bulk requirements.
c. Environmental constraints and shoreline resource protection.
d. Minimum access requirements .

It must be made clear that these are minimum standards and that mixed-use proposals will be required to provide a public benefit beyond these stipulations. They are, in essence, a way to alert proposers to the constraints of existing conditions.

A SPECIFIC PROJECT REVIEW AND PUBLIC DECISION MAKING PROCESS

Reviewing and permitting decisions regarding mixed-use proposals are among the most difficult tasks in shoreline management not only because of the complexity and interconnectedness of the planning issues involved, but also because the projects themselves are often controversial, requiring evaluation of public benefit relative to private project and potential impact. Because of this fact, a well defined process for mixed-use proposal review is essential. The master program provisions describing the review process should include:

a. Submittal requirements
b. Procedures for staff review
c. Opportunities for applicant and reviewing staff to work out design and master planning issues.
d. Requirements and procedures for evaluating the economic "justification" presented by the proposers.
e. A means of involving public input.
f. A means for evaluating the "public benefit" of the project and its conformance to shoreline management objectives.
g. A requirement for project justification that is dependent upon the proposals unique elements or situation so that approving the project will not set an undesirable precedent.
h. A means of involving state reviewing agencies.
i. Provisions to maintain water-dependent use or public benefit.
j. A specified decision making step by elected public officials.

Of course as in any review process, submittal requirements and procedures must be clearly delineated. It will most likely be useful to use a phased approach to submittal procedures which would encourage developers to discuss preliminary ideas and alternatives and to incorporate city planning and public input during subsequent steps. The burden of proof for a project's benefits and justification must remain with the property developer. Mixed-use provisions are not standards that, when met, guarantee that a project is permissible.

It appears that a good deal of interaction between City and developer is required during the early steps, "negotiating" back-and-forth to reach compromises that serve both public objectives and developer interests. The permitting of many proposals will undoubtedly involve numerous design modifications to, for example, increase desirability of public access, provide more water-dependent use, protect views, reduce parking and circulation impacts, etc.

Because mixed-use developments may base their justification on the fact that the nonwater-dependent uses economically or functionally subsidize the desirable water-dependent or non-reserve activities, it is necessary for the developer to document the level of subsidy. Reviewing developer pro-formas has not proven an effective way to evaluate the level of subsidy in the past.

It may be desirable to ask for a third party review of economic documentation provided by the developer in cases where this issue is paramount. Usually, however, it appears that an evaluation of the site's development potential for other types of uses (including water-dependent uses) can best be made from a knowledge of local conditions and historical perspective and planning judgements rather than highly technical analysis. Besides, the ultimate decision regarding whether a proposal's benefits justify it or whether to demand further concessions from the developer are usually based on non quantifiable values.

Because many mixed-use projects are controversial, involving a major utilization of shoreline resources and significant impacts, the review process should include a means for public input. It is recommended that, at a minimum, a specified number of public hearings or open forum meetings be held to present the proposal and receive public comment. Including citizens on a representative task force to work with the developer in modifying the proposal is also an option for critical projects, especially when the development is on public or port owned land. Before subsidy of water-dependent or related uses through the mixed-use approach is approved, there should be established a strong public interest for benefit in such action. Consideration might even be given to a formal checklist relating to public benefit, somewhat like the process to justify a variance. The ultimate decision for major projects should rest with an elected or appointed body such as the city council.

The findings for any approved proposal should include a that the project approval is unique to the particular site and situation and the reasons for the proposal's uniqueness. This is important so that the decision does not set a precedent for other developments on other sites. For example, granting a permit for a marina, restaurant, hotel complex should not necessarily open a door for similar proposal in other areas, even if the same zoning or master program requirements occur.

The Department of Ecology should be involved during the conceptual stages of local review in order to keep that office informed and expedite formal review later. Also, since the department staff will have experience with a number of mixed-use projects they may be able to serve as resources and provide informational assistance to local jurisdictions.

The Department of Natural Resources (DNR) should also be involved in early discussion if they are the land owner for a portion of the proposal's site.

Finally, there should be a means to ensure that the water-dependent uses will not be abandoned or public benefits degraded. Maintaining the water-dependent use has been a particularly worrisome problem because if the water-dependent use is indeed subsidized, then there is no economic incentive to keep the developer from replacing it with a more lucrative use of the project completed. One method to guarantee that a water-dependent use will actually be developed in a mixed-use project is to require the water-dependent use developed first. In the case of the Elliot Bay marina and restaurant, the marina must be partially under construction before the restaurant may be constructed.

There is no certain method to guarantee that a water-dependent use will remain over time. The shoreline permit is issued for a particular use, and if the use is changed the shoreline permit is not longer valid. Having to go through the Shoreline Permit process again is some incentive to keep a water-dependent use. It may be desirable to place restrictions on the occupancy permit that stipulates that only a certain type of use may occupy the specified space.

Recommendations for Specific Actions and Policies

1. Mixed-use projects should be encouraged for development in unique situations that would result in demonstrable public benefit. Public decision makers must be involved in final local approval of the permit. Mixed-use projects are the principal means of providing an opportunity for the local jurisdiction to consider innovative projects outside the normal requirements of the shoreline master program, but which would provide unusual public benefit in terms of supporting water-dependent use and public access. Mixed-use projects provide the level of flexibility for local jurisdictions and the state to consider projects on a case-by-case basis.

2. Local jurisdictions should develop mixed-use provisions in their master programs which include:

   - o Objectives for public benefit to be achieved by mixed-use proposals
   - o Minimum standards or constraints to be met
   - o Process for reviewing and deciding on acceptability of mixed-use projects

3. The mixed-use proposal review process should include:

   a. Clear description of procedures and submittal requirements.
   b. Opportunities for planning staff and developer to work out planning and design issues.
   c. A means for evaluating the economic aspects of a project including the "subsidy" of water-dependent or non-revenue uses.
   d. A means for evaluating the public benefit of a proposal.
   e. A public involvement component.
   f. Procedures for involving the Department of Ecology and the Department of Natural Resources (if involved as property owner) at an early phase of concept review, including provisions for conditional use approval by WDOE where appropriate).
   g. A means to prevent permit approval from setting undesirable precedent for others.
   h. Provisions to insure that water-dependent use and public benefits are not abandoned or degraded.
   i. Ultimate local decision making power with elected public officials.

4. The Department of Ecology should encourage the development of mixed-use provision in local shoreline master programs by providing technical assistance where possible. It may be desirable for the Department to act as a clearing house for information concerning mixed-use proposals, so that as experience with this development technique is increased, applicable information can be transferred from jurisdiction to jurisdiction.

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